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# United States Department of Agriculture

## SERVICE AND REGULATORY ANNOUNCEMENTS

### BUREAU OF CHEMISTRY

### SUPPLEMENT

N. J. 13801-13850

[Approved by the Acting Secretary of Agriculture, Washington, D. C., January 2, 1926]

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

**13801. Adulteration and misbranding of canned oysters. U. S. v. 54 Cases et al. of Oysters. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 20251, 20252, 20253. I. S. Nos. 4203-x, 4204-x, 4208-x. S. Nos. C-4780, C-4781.)

On or about July 16 and 20, 1925, respectively, the United States attorney for the Western District of Arkansas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,023 cases of canned oysters, remaining in the original unbroken packages in part at Texarkana, Ark., and in part at Fort Smith, Ark., alleging that the article had been shipped by the Aughinbaugh Canning Co., in part from Gulfport, Miss., and in part from Biloxi, Miss., in various consignments, namely, February 27 and March 3, 1925, respectively, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Nigger Head Brand Oysters Contains 5 Oz. Oyster Meat Distributed By Aughinbaugh Canning Co. Of Baltimore City, Md."

Adulteration of the article was alleged in substance in the libels for the reason that excessive water or brine had been mixed and packed with the said article so as to injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statement on the labels to the effect that the cans contained 5 ounces of oyster meat was false and deceived and misled the purchaser, and for the further reason that the article was in package form and the quantity of the contents was not plainly marked on the outside of the package.

On July 29, 1925, the Aughinbaugh Canning Co., Baltimore, Md., claimant, having consented to the entry of decrees and to abide by the rulings of this department in reconditioning or relabeling the product, judgments of condemnation were entered, and it was ordered by the court that the product be released to the said claimant to be disposed of according to law, upon the execution of good and sufficient bonds.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13802. Adulteration and misbranding of butter. U. S. v. 29 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20320. I. S. No. 3035-x. S. No. E-5375.)

On July 15, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 29 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned July 7, 1925, alleging that the article had been shipped by the Farmers Creamery Co., Astoria, S. Dak., and transported from the State of South Dakota into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed with and substituted wholly or in part for the said article, and in that a valuable constituent of the article, to wit, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 29, 1925, A. E. Mills & Son, Boston, Mass., having entered an appearance as claimant for the property and having filed a satisfactory bond, in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13803. Adulteration of butter. U. S. v. 79 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20321. I. S. No. 3036-x. S. No. E-5372.)**

On July 14, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 79 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned July 6, 1925, alleging that the article had been shipped by the Farmers Cooperative Creamery Association, Castlewood, S. Dak., and transported from the State of South Dakota into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed with and substituted wholly or in part for the said article, and in that a valuable constituent of the article, to wit, butterfat, had been wholly or in part abstracted.

On July 29, 1925, A. E. Mills & Son, Boston, Mass., having entered an appearance as claimant for the property and having filed a satisfactory bond, in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13804. Adulteration and misbranding of butter. U. S. v. 12 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20322. I. S. No. 3023-x. S. No. E-5374.)**

On July 14, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 12 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned July 8, 1925, alleging that the article had been shipped by the Ellendale Creamery Co., Ellendale, N. Dak., and transported from the State of North Dakota into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed with and substituted wholly or in part for the said article, and in that a valuable constituent, to wit, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 29, 1925, the Ellendale Creamery Co., Ellendale, N. Dak., having entered an appearance as claimant for the property and having deposited \$650 in cash, in lieu of bond, conditioned in part that the product not be sold or otherwise disposed of contrary to law, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13805. Adulteration and misbranding of pineapple hearts and chocolate-covered dates. U. S. v. 30 Boxes of Pineapple Hearts and 75 Boxes of Chocolate Covered Dates. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20163. I. S. Nos. 24219-v, 24220-v. S. No. E-5357.)**

On July 2, 1925, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 30 boxes of pineapple hearts and 75 boxes of chocolate-covered dates, remaining in the original unbroken packages at Baltimore, Md., alleging that the articles had been shipped by the Candy Products



Corporation, from Brooklyn, N. Y., in various consignments, namely, on or about April 29 and May 12 and 22, 1925, respectively, and transported from the State of New York into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: "Selma Brand Milk Chocolate Covered Pineapple Hearts" (or "Chocolate Covered Dates Selma Brand") "Manufactured by Candy Products Corp. Brooklyn N. Y."

Adulteration of the articles was alleged in the libel for the reason that products covered with chocolate coating containing excessive cocoa shells had been substituted in part for the said articles and for the further reason that cocoa shells had been mixed and packed therewith so as to reduce, lower, or injuriously affect their quality or strength.

Misbranding was alleged for the reason that the labels bore statements "Milk Chocolate Covered" and "Chocolate Covered," as the case might be, which were false and misleading and deceived and misled the purchaser, and for the further reason that the articles were offered for sale under the distinctive names of other articles.

On September 14, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13806. Adulteration and alleged misbranding of chocolate malted milk. U. S. v. 135 Cases et al. of Melodew Chocolate Malted Milk. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20373. I. S. Nos. 39-x, 40-x. S. No. W-1765.)**

On August 22, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 135 cases, containing 6-ounce jars, and 119 cases, containing 12-ounce jars, of Melodew chocolate malted milk, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Melodew Products (Inc.), from New York, N. Y., in various consignments, namely, April 23 and May 1 and 2, 1925, respectively, and transported from the State of New York into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Jar) "Melodew Chocelet Malted Milk Melodew Products, Inc. New York \* \* \* Net Wt. 6 oz." (or "Net Wt. 12 oz.").

Adulteration of the article was alleged in the libel for the reason that a substance, a mixture of malted milk, cane sugar, ground barley, malt, dried whole milk, and cocoa, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "Chocelet Malted Milk Net Wt. 6 oz." or "Net Wt. 12 oz.," as the case might be, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 18, 1925, A. C. Millang, San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of the court was entered, finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it be brought into conformity with the act under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13807. Adulteration and misbranding of assorted jams. U. S. v. 167 Cases of Assorted Jams. Decree entered, ordering product released under bond. (F. & D. No. 20285. I. S. Nos. 14636-v, 23267-v to 23275-v. Incl., 23326-v, 23327-v. S. No. W-1754.)**

On July 30, 1925, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and

condemnation of 167 cases of assorted jams, remaining in the original unbroken packages at Casper, Wyo., alleging that the article had been shipped by the J. S. Brown Mercantile Co., Denver, Colo., on or about June 9, 1925, and transported from the State of Colorado into the State of Wyoming, and charging adulteration and misbranding in violation of the food and drugs act as amended. One hundred and fifty-eight cases of the article contained cans or jars labeled in part: "Contents 4 Lb. 10 Ozs. Compound of Pectin, Sugar and Strawberry" (or "Raspberry" or "Blackberry" or "Peach" or "Loganberry" or "Plum" or "Cherry") "Contains Sugar, Fruit, Apple Pectin, added Fruit Acid and  $\frac{1}{2}$  of 1% Benzoate of Soda. Packed For The J. S. Brown Mercantile Co., Denver, Colo. The remaining 9 cases of the article were similarly labeled except the statement of weight, which was: "Net Weight 22 Ounces."

Adulteration was alleged in the libel with respect to 158 cases of the product for the reason that water had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged in substance with respect to 158 cases of the product for the reason that the statement "Contents 4 Lb. 10 Ozs." borne on the labels, was false and misleading and deceived and misled the purchaser, in that the contents of the said cans was less than 4 pounds 10 ounces of the product, for the further reason that the article was in package form and the quantity of the contents was not plainly and correctly stated on the outside of the package, and for the further reason that it was labeled "Strawberry," "Raspberry," "Loganberry," "Plum," and "Cherry," as the case might be, and was an imitation of such varieties of jams and was offered for sale under the distinctive names of said jams. Misbranding was alleged with respect to the remaining 9 cases of the product for the reason that it was labeled: "Compound of Pectin, Sugar and Strawberry" (or "Raspberry" or "Blackberry" or "Peach" or "Loganberry" or "Plum" or "Cherry," according to variety), which said statements were false and misleading and deceived and misled the purchaser, in that it contained an excessive proportion of water which had been mixed and packed with and substituted in part for the said article.

On August 24, 1925, the Pure Food Manufacturing Co., Denver Colo., having appeared as claimant for the property, a decree of the court was entered, ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of not less than \$1,500, conditioned in part that it not be sold or otherwise disposed of contrary to law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13808. Adulteration of canned sardines. U. S. v. 730 Cases of Sardines. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19166. I. S. No. 9796-v. S. No. C-4532.)**

On November 15, 1924, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 730 cases of sardines, at San Antonio, Tex., alleging that the article had been shipped by the Seacoast Canning Co., from Eastport, Me., August 23, 1924, and transported from the State of Maine into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Sea Lion Brand Maine Sardines in Cottonseed Oil. Packed by Seacoast Canning Co., Eastport, Me.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed, filthy, and putrid animal substance.

On July 8, 1925, the Seacoast Canning Co., Eastport, Me., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product, or such portion thereof as should be determined by this department to be fit for consumption, be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,102.50, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*



**13809. Adulteration of cotton root bark and sarsaparilla root. U. S. v. 499 Pounds of Cotton Root Bark and 1,154 Pounds of Sarsaparilla Root. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 19969, 19970. I. S. Nos. 13917-v, 13918-v. S. No. E-5160.)

On April 8, 1925, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 499 pounds of cotton root bark and 1,154 pounds of sarsaparilla root, at Boston, Mass., alleging that the articles had been shipped by S. B. Penick & Co., from Jersey City, N. J., on or about January 22 and 23, 1925, respectively, and transported from the State of New Jersey into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

Analysis by the Bureau of Chemistry of this department of a sample of the cotton root bark showed that it contained approximately 10 per cent of wood. Analysis by said bureau of a sample of the sarsaparilla root showed that it yielded 15.16 per cent of ash.

Adulteration of the articles was alleged in the libels for the reason that the sarsaparilla root was sold under a name recognized in the United States Pharmacopœia, and the cotton root bark was sold under a name recognized in the National Formulary, and the said articles differed from the standard of strength, quality, and purity as determined by the tests laid down in the said Pharmacopœia and National Formulary, official at the time of investigation, and their own standard of strength, quality, and purity was not plainly stated upon the containers.

On June 29, 1925, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13810. Adulteration and misbranding of jam. U. S. v. 100 Cases of Jam. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 19109. I. S. Nos. 18915-v, 18916-v. S. No. C-4512.)

On November 6, 1924, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 cases of jam, remaining in the original unbroken packages at Des Moines, Iowa, alleging that the article had been shipped by the Sanitary Food Manufacturing Co., from St. Paul, Minn., in the month of June, 1924, and transported from the State of Minnesota into the State of Iowa, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Jar) "School Girl Brand \* \* \* Apple Pectin & Raspberry" (or "Strawberry") "Jam Iowa's Daylight Pure Food Factory Charles Hewitt & Sons Co. Des Moines."

Adulteration of the article was alleged in the libel for the reason that an imitation raspberry jam or strawberry jam, as the case might be, deficient in fruit content, containing added pectin, and acidified with tartaric acid, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of another article. Misbranding was alleged for the further reason that the statements "Apple Pectin & Raspberry" (or "Strawberry") "Jam," were false and misleading and deceived and misled the purchaser, and for the further reason that the statement "Iowa's Daylight Pure Food Factory Charles Hewitt & Sons Co. Des Moines" was false and misleading, in that the said statement represented that the article was manufactured by Charles Hewitt & Sons Co., of Des Moines, Iowa, when the actual manufacturer was the Sanitary Food Manufacturing Co., St. Paul, Minn.

On November 25, 1924, the Sanitary Food Manufacturing Co., St. Paul, Minn., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be relabeled to comply with the law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13811. Adulteration and misbranding of preserves. U. S. v. 109 Cases et al. of Preserves. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19368. I. S. Nos. 18948-v, 18949-v, 18950-v. S. No. C-4554.)**

On or about December 30, 1924, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 289 cases of preserves, remaining in the original unbroken packages at Davenport, Iowa, alleging that the article had been shipped by the Orchard Products Co., from Chicago, Ill., December 2, 1921, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Jar) "Apple & Strawberry Preserves," "Apple & Black Raspberry Preserves," or "Apple & Red Raspberry Preserves."

Adulteration of the article was alleged in the libel for the reason that a substance, added pectin and added sugar, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "Apple & Strawberry Preserves," "Apple & Black Raspberry Preserves," or "Apple & Red Raspberry Preserves," as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of another article.

On April 10, 1925, the Orchard Products Co., Chicago, Ill., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to the said claimant upon the execution of a bond in the sum of \$500, conditioned in part that it be relabeled in compliance with the law and that if so released the claimant pay the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13812. Adulteration of blueberries. U. S. v. 3 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20381. I. S. No. 5424-x. S. No. E-5483.)**

On August 26, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3 crates of blueberries, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by H. L. Black, from South Brooksville, Me., August 20, 1925, and transported from the State of Maine into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On September 18, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13813. Misbranding of cottonseed meal. U. S. v. Chickasha Cotton Oil Co. Plea of guilty. Fine, \$75 and costs. (F. & D. No. 19668. I. S. Nos. 2365-v, 12313-v, 12318-v.)**

On August 4, 1925, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Chickasha Cotton Oil Co., a corporation, trading at Chickasha, Okla., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about November 1 and December 31, 1923, respectively, from the State of Oklahoma into the State of Kansas, and on or about May 26, 1924, from the State of Oklahoma into the State of New York, of quantities of cottonseed meal which was misbranded. The article was labeled in part: "'Chickasha Prime' Cottonseed Cake or Meal \* \* \* Guaranteed Analysis: Protein not less than 43 per cent \* \* \* Chickasha Cotton Oil Co. Chickasha, Okla."

Analysis by the Bureau of Chemistry of this department of a sample of the article from each shipment showed that it contained 39.78 per cent, 41.36 per cent, and 40.29 per cent, respectively, of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis: Protein not less than 43



per cent," borne on the tags attached to the sacks containing the said article, was false and misleading, in that the said statement represented that the article contained not less than 43 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein, whereas the said article contained less than 43 per cent of protein.

On September 19, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13814. Adulteration of canned salmon. U. S. v. Libby, McNeill & Libby. Plea of guilty. Fine, \$50. (F. & D. No. 19661. I. S. No. 20245-v.)**

On July 31, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Libby, McNeill & Libby, a corporation, trading at Seattle, Wash., alleging shipment by said company, in violation of the food and drugs act, on or about August 11, 1924, from the Territory of Alaska into the State of Washington, of a quantity of canned salmon which was adulterated. The article was labeled in part: "Libby's Fancy Red Alaska Salmon \* \* \* Packed By Libby McNeill & Libby Main Office Chicago."

Examination by the Bureau of Chemistry of this department of 180 cans of the article showed 82 cans, or 45.5 per cent, of inedible salmon.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On September 9, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13815. Misbranding of canned tuna fish. U. S. v. Westgate Sea Products Co. Plea of guilty. Fine, \$350. (F. & D. No. 19641. I. S. Nos. 12868-v, 12869-v, 17054-v, 17055-v, 17056-v, 17057-v, 18953-v, 20902-v, 20906-v, 23006-v, 23010-v.)**

At the September, 1925, term of the United States District Court within and for the Southern District of California, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against the Westgate Sea Products Co., a corporation, San Diego, Calif., alleging shipment by said company, in various consignments, from the State of California, namely, on or about July 7 and August 23, 1924, respectively, into the State of Oklahoma, on or about July 10, 1924, into the State of Illinois, on or about July 19, 1924, into the State of Colorado, on or about July 29, 1924, into the State of New York, and on or about July 31, 1924, into the State of Maryland, of quantities of canned tuna fish which was misbranded. A portion of the article was labeled in part: (Can) "Tuna Packed By Westgate Sea Products Company, San Diego, California Net Weight 7 Oz." (or "Net Weight 13 Oz."). The remainder of the said article was labeled, variously: (Can) "Net Weight 13 Oz.," "Net Weight 14 Ozs.," or "Contents 7 Oz. Avoir," as the case might be.

Examination by the Bureau of Chemistry of this department of a number of samples of the article of the 7-ounce size, the 13-ounce size, and the 14-ounce size showed that the average weight was 6.8 ounces, 12.5 ounces, and 12.4 ounces, respectively.

Misbranding of the article was alleged in substance in the information for the reason that the statements "Net Weight 7 Oz.," "Net Weight 13 Oz.," "Net Weight 14 Ozs.," and "Contents 7 Oz.," borne on the labels, regarding the quantity of the said article contained in the said cans were false and misleading, in that the said statements represented that the cans contained 7 ounces, 13 ounces, or 14 ounces of the article, as the case might be, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cans contained 7 ounces, 13 ounces, or 14 ounces of the article, as the case might be, whereas the said cans did not contain the amounts declared on the respective labels but did contain less amounts. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the respective packages.

On September 15, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$350.

R. W. DUNLAP, *Acting Secretary of Agriculture.*



**13816. Adulteration of shell eggs. U. S. v. 380 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20463. I. S. No. 1407-x. S. No. C-4817.)

On or about September 3, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 380 cases of eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Hastings Poultry Co., from Hastings, Nebr., August 29, 1925, and transported from the State of Nebraska into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid substance.

On September 15, 1925, the Hastings Poultry Co., Hastings, Nebr., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the eggs be candled, the bad portion destroyed, and the good portion released.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13817. Adulteration of shell eggs. U. S. v. 58 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20364. I. S. No. 1254-x. S. No. C-4795.)

On or about July 31, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 58 cases of eggs, at Chicago, Ill., alleging that the article had been shipped by A. F. Parsons, from Woonsocket, S. Dak., on or about July 23, 1925, and transported from the State of South Dakota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On September 15, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal, said decree providing, however, that any portion of the product found by this department to be fit for food be sold by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13818. Misbranding of feeds. U. S. v. Milam-Morgan Co., Ltd. Plea of guilty. Fine, \$150.** (F. & D. No. 17917. I. S. Nos. 6053-v, 6054-v, 10279-v.)

On May 14, 1924, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Milam-Morgan Co. (Ltd.), a corporation, New Orleans, La., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about September 14 and October 14, 1922, from the State of Louisiana into the States of Georgia and Florida, respectively, of quantities of horse and mule feed, and on or about October 14, 1922, from the State of Louisiana into the State of Florida, of a quantity of saccharine meal, all of which were misbranded. The articles were labeled in part, respectively: "Perfecto Horse And Mule Feed Manufactured By Milam-Morgan Co., Ltd. New Orleans, La. Guaranteed Analysis \* \* \* Protein 9.00%" and "Steam-dried Saccharine Meal Manufactured by Milam-Morgan Co., Ltd. New Orleans, La., \* \* \* Guaranteed Analysis \* \* \* Protein 7.00%."

Misbranding of the articles was alleged in the information for the reason that the statements, to wit, "Guaranteed Analysis \* \* \* Protein 9.00%" and "Guaranteed Analysis \* \* \* Protein 7.00%," borne on the labels of the respective articles, were false and misleading, in that the said statements represented that the articles contained not less than 9 per cent of protein nor less than 7 per cent of protein, as the case might be, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the pur-

chaser into the belief that they contained not less than 9 per cent of protein or not less than 7 per cent of protein, as the case might be, whereas the said articles did contain less protein than so represented, the two consignments of horse and mule feed containing approximately 7.98 per cent and 8.13 per cent of protein, respectively, and the saccharine meal containing approximately 5.33 per cent of protein.

On September 21, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13819. Adulteration and misbranding of canned oysters. U. S. v. Pelican Lake Oyster & Packing Co., Ltd. Plea of guilty. Fine, \$300.**  
(F. & D. No. 18745. I. S. Nos. 5348-v, 8008-v.)

On September 30, 1924, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Pelican Lake Oyster & Packing Co. (Ltd.), a corporation, Houma, La., alleging shipment by said company, in two consignments, namely, on or about February 28, 1923, from the State of Louisiana into the State of Kansas, and on or about March 16, 1923, from the State of Louisiana into the State of California, of quantities of canned oysters which were adulterated and misbranded. The article was labeled in part: (Can) "'Pelican Lake' Brand Contents 5 Oz. Selected Oysters \* \* \* Packed By Pelican Lake Oyster & Packing Co., Ltd. Houma, La."

Examination by the Bureau of Chemistry of this department of 24 cans of the article from one shipment and 36 cans from the other showed that the average net weight was 4.5 ounces and 4.65 ounces, respectively.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water and brine, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement, to wit, "Contents 5 Oz.," borne on the cans containing the article, was false and misleading in that the said statement represented that each of the cans contained 5 ounces of oysters, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 5 ounces of oysters, whereas each of said cans did not contain 5 ounces of oysters but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 21, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$300.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13820. Misbranding of feed. U. S. v. Grain Belt Mills Co. Plea of guilty. Fine, \$25.** (F. & D. No. 18304. I. S. No. 10733-v.)

On August 16, 1924, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Grain Belt Mills Co., a corporation, St. Joseph, Mo., alleging shipment by said company, in violation of the food and drugs act, on or about April 11, 1923, from the State of Missouri into the State of Mississippi, of a quantity of feed which was misbranded. The article was labeled in part: (Sack) "Bonanza Horse & Mule Feed Grain Belt Mills Co. St. Joseph, Mo. U. S. A. Analysis Protein 9%."

Misbranding of the article was alleged in the libel for the reason that the statement, to wit, "Protein 9%," borne on the sacks containing the said article, was false and misleading, in that the said statement represented that the article contained not less than 9 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 9 per cent of protein, whereas it did contain less than 9 per cent of protein, to wit, 7.85 per cent of protein.

On September 22, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. W. DUNLAP, *Acting Secretary of Agriculture.*



**13821. Misbranding of Dr. Gary's vegetable ointment. U. S. v. 19 Bottles of Dr. Gary's Vegetable Ointment. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17499. I. S. No. 11044-v. S. No. C-3974.)**

On May 7, 1923, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 19 bottles of Dr. Gary's vegetable ointment, at Jeromesville, Ohio, alleging that the article had been shipped by the Gary Medicine Co., Chattanooga, Tenn., on or about March 5, 1923, and transported from the State of Tennessee into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Dr. Gary's Vegetable Ointment is recommended for all of the chief ailments known to the human system \* \* \* benefits received, in treatment of nearly every disease known to the human system \* \* \* In \* \* \* Chills and Fever, Typhoid, Pneumonia, or Bloat caused by Malaria \* \* \* Night Sweats."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of a mixture of approximately 39 per cent kerosene oil, 38 per cent turpentine oil, 20 per cent alcohol, and a small amount of camphor.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements borne on the cartons, regarding its curative and therapeutic effects, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed. Misbranding was alleged for the further reason that the package or label failed to bear a statement of the quantity or proportion of alcohol contained therein, since the quantity declared on the label was in excess of that found.

On November 2, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13822. Misbranding of cottonseed cake and meal. U. S. v. Elk City Cotton Oil Co. Plea of guilty. Fine, \$150 and costs. (F. & D. No. 19686. I. S. Nos. 7160-v, 7161-v, 7162-v.)**

At the September, 1925, term of the United States District Court within and for the Western District of Oklahoma, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against the Elk City Cotton Oil Co., a corporation, Elk City, Okla., alleging three shipments by said company, in violation of the food and drugs act, in various consignments, namely, on or about November 18 and 21, 1924, respectively, from the State of Oklahoma into the State of Texas, of quantities of cottonseed meal and cottonseed cake which were misbranded. The articles were labeled in part: (Tag) "43% Protein Cottonseed Cake" (or "Meal") "Prime Quality Manufactured By Elk City Cotton Oil Company Elk City, Oklahoma Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent."

Analysis by the Bureau of Chemistry of this department of a sample of the article from each shipment showed that the said samples contained 39.53 per cent, 42.1 per cent, and 41.48 per cent, respectively, of protein.

Misbranding of the articles was alleged in the information for the reason that the statements, to wit, "43% Protein Cottonseed Cake" (or "Meal"), as the case might be, and "Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent," borne on the tags attached to the sacks containing the respective articles, were false and misleading, in that the said statements represented that the articles were 43 per cent protein cottonseed cake or meal and that they contained not less than 43 per cent of crude protein, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were 43 per cent protein cottonseed cake or meal and that they contained not less than 43 per cent of crude protein, whereas they were not 43 per cent cottonseed cake or meal, as the case might be, but were products containing less than 43 per cent of protein.

On October 30, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13823. Misbranding of butter. U. S. v. Hassayampa Creamery Co. Plea of guilty. Fine, \$50. (F. & D. No. 17812. I. S. Nos. 11355-v, 11368-v.)**

On December 28, 1923, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Hassayampa Creamery Co., a corporation, Phoenix, Ariz., alleging shipment by said company, in violation of the food and drugs act as amended, in two consignments, namely, on or about March 5 and 12, 1923, respectively, from the State of Arizona into the State of Texas, of quantities of butter which was misbranded. The article was labeled in part "Hassayampa Brand Creamery Butter Hassayampa Creamery Co. Phoenix, Ariz. \* \* \* One Pound Net Weight Hassayampa."

Examination by the Bureau of Chemistry of this department of 90 packages of the article from each shipment showed an average net weight of 15.33 and 15.63 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net Weight," borne on the packages containing the said article, was false and misleading, in that the said statement represented that the packages each contained 1 pound net weight of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages each contained 1 pound net weight of butter, whereas each of the packages did not contain 1 pound net weight of butter but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 28, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13824. Adulteration and misbranding of spring water. U. S. v. 16 Cases of Spring Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20370. I. S. No. 5311-x. S. No. E-5468.)**

On August 21, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 16 cases of spring water, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Seawright Mineral Springs (Inc.), from Staunton, Va., May 19, 1925, and transported from the State of Virginia into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "This Is A Natural Spring Water \* \* \* Seawright Fountain of Health This Package Contains One-Half Gallon \* \* \* Seawright Mineral Springs Inc., Staunton, Virginia."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged for the reason that the statement "This Package Contains One-Half Gallon," borne on the labels, was false and misleading, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 22, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13825. Misbranding of cottonseed meal. U. S. v. 339 Sacks of Cottonseed Meal. Default decree of condemnation and sale entered. (F. & D. No. 19484. I. S. No. 22280-v. S. No. E-4903.)**

On January 15, 1925, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 339 sacks of cottonseed meal, remaining in the original unbroken packages at Ashland, Va., alleging that the article had been shipped by the Wilmington Oil & Fertilizer Co., from Wilmington, N. C., on or about November 21, 1924, and transported from the State of North Carolina into the State of Virginia and charging misbranding in violation of the food and drugs



act. The article was labeled in part: "Cotton Seed Meal \* \* \* Protein \* \* \* 41 Ammonia 8."

Misbranding of the article was alleged in substance in the libel for the reason that the statements "Protein 41 Ammonia 8," borne on the label, were false and misleading and deceived and misled the purchaser in that the said statements represented that the article contained the percentage of protein and ammonia declared on the label, whereas it contained a less amount.

On April 10, 1925, no claimant having appeared for the property, a decree condemning the product was entered, and on October 12, 1925, an order of the court was entered, providing that it be sold by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13826. Adulteration of blueberries. U. S. v. 5 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20375. I. S. No. 5419-x. S. No. E-5478.)**

On August 26, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 5 crates of blueberries, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by B. M. Keller, from Rockland, Me., August 19, 1925, and transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On October 22, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13827. Adulteration of blueberries. U. S. v. 3 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20376. I. S. No. 5420-x. S. No. E-5479.)**

On August 26, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3 crates of blueberries, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by (Thomas) Monden, from Rockland, Me., August 19, 1925, and transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On October 22, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13828. Adulteration of blueberries. U. S. v. 3 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20380. I. S. No. 5422-x. S. No. E-5481.)**

On August 26, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3 crates of blueberries, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by George Hart, from South Brooksville, Me., August 20, 1925, and transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On October 22, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*



**13829. Adulteration of blueberries. U. S. v. 14 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20378. I. S. No. 5423-x. S. No. E-5482.)**

On August 26, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 14 crates of blueberries, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by C. C. Ladd, from Brooksville, Me., August 20, 1925, and transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On October 22, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13830. Misbranding of dates. U. S. v. John R. Fiorita Co. Plea of guilty. Fine and costs, \$50. (F. & D. No. 19636. I. S. No. 22847-v.)**

On May 1, 1925, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John R. Fiorita Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the food and drugs act as amended, on or about December 6, 1924, from the State of Missouri into the State of Illinois, of quantities of sugar rolled dates which were misbranded. The article was labeled in part: "For-Eta \* \* \* 25 lbs. Net Weight When Packed Sugar Rolled Hallowi Dates John R. Fiorita Company St. Louis, Mo."

Examination by the Bureau of Chemistry of this department of 4 packages showed an average net weight of 23 pounds 5.85 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "25 lbs. Net Weight When Packed," borne on the cases containing the said article, was false and misleading in that the said statement represented that the said cases each contained 25 pounds of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the cases each contained 25 pounds of the article, whereas each of said cases did not contain 25 pounds of the said article but did contain less than 25 pounds. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages in that the packages contained less than represented.

On September 26, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed judgment in the amount of \$50, which included fine and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13831. Adulteration and alleged misbranding of butter. U. S. v. 23 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20301. I. S. No. 1359-x. S. No. C-4776.)**

On July 10, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 23 tubs of butter, remaining in the original packages at Chicago, Ill., alleging that the article had been shipped by the Hibbing Creamery, from Hibbing, Minn., July 1, 1925, and transported from the State of Minnesota into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent, to wit, butterfat, had been in part abstracted from the said article.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not marked on the outside of the package.

On July 30, 1925, the Hibbing Creamery Co., Hibbing, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of the court was entered, finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department so as to raise the butter-fat content to not less than 80 per cent.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13832. Adulteration of blueberries. U. S. v. 9 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20374. I. S. No. 5418-x. S. No. E-5477.)**

On August 26, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9 crates of blueberries, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Foster D. James, from Rockland, Me., August 19, 1925, and transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On October 22, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13833. Adulteration of blueberries. U. S. v. 3 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20377. I. S. No. 5421-x. S. No. E-5480.)**

On August 26, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3 crates of blueberries, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Ralston H. Means, from Brooklyn, Me., August 20, 1925, and transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On October 22, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13834. Adulteration and misbranding of canned oysters. U. S. v. 165 Cases and 162 Cases of Canned Oysters. Product relabeled and released to claimants. (F. & D. Nos. 20283, 20284. I. S. Nos. 4216-x, 4217-x. S. No. C-4788.)**

On or about July 28, 1925, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 327 cases of canned oysters, at Pine Bluff, Ark., consigned in interstate commerce by Aughinbaugh Canning Co., from Biloxi, Miss., alleging that the article had been shipped January 2, 1925, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Nigger Head Brand Oysters, Contains 5 Oz. Oyster Meat. Distributed By Aughinbaugh Canning Co. Of Baltimore \* \* \* Md."

It was alleged in the libels that the article violated section 7 of the act, paragraphs 1 and 2, in that excessive water or brine had been mixed and packed with and substituted wholly or in part for the said article.



Misbranding was alleged for the reason that the statement "Contains 5 Oz. Oyster Meat," borne on the labels, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the statement made was not correct.

On October 24, 1925, the Arkansas Brokerage Co. and the Hammett Grocer Co., both of Pine Bluff, Ark., having appeared as claimants for respective portions of the property, and the product having been relabeled to the satisfaction of this department, decrees of the court were entered, releasing the product to the claimants upon payment of the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13835. Adulteration and misbranding of vanilla extract. U. S. v. 42 Dozen Bottles of Vanilla Extract. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20352. I. S. No. 5236-x. S. No. E-5462.)**

On August 17, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 42 dozen bottles of vanilla extract, remaining in the original unbroken packages at Worcester, Mass., alleging that the article had been shipped by the Fulton Manufacturing Co., from New York, N. Y., March 12, 1925, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Bottle carton and bottle label) "Fulton Brand Pure Vanilla Extract Purity And Quality Fulton Manufacturing Co. New York," (carton containing 1 dozen bottles) "Fulton Brand Pure Vanilla."

Adulteration of the article was alleged in the libel for the reason that a substance, a colored substandard vanilla extract, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly for the said article. Adulteration was alleged for the further reason that the article had been colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statements "Pure Vanilla Extract \* \* \* Purity And Quality" and "Pure Vanilla," borne on the labeling, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On October 22, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13836. Adulteration and misbranding of butter. U. S. v. 162 Boxes of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20472. I. S. No. 2009-x. S. No. C-4831.)**

On September 26, 1925, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 162 boxes of butter, at Memphis, Tenn., alleging that the article had been shipped by the Western Creamery Co., Kansas City, Mo., August 6, 1925, and transported from the State of Missouri into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Creamery Butter."

Adulteration of the article was alleged in the libel for the reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat, as prescribed by law.

Misbranding was alleged for the reason that the statement "Butter," borne on the packages containing the article, was false and misleading in that it represented that the article consisted wholly of butter, and for the further reason that the said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of butter,

whereas it did not consist wholly of butter but did consist of a product deficient in milk fat. Misbranding was alleged for the further reason that the statement "Butter" was false and misleading in that it represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by law, whereas it was a product which did not contain 80 per cent by weight of milk fat but did contain a less amount.

On October 1, 1925, the Western Creamery Co., Kansas City, Mo., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,500, in conformity with section 10 of the act, said bond providing in part that the product be reconditioned or relabeled under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13837. Adulteration and misbranding of sirup. U. S. v. 546 Cans and 238 Cases of Sirup. Decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 20082, 20371. I. S. Nos. 24779-v, 24780-v, 9527-x. S. Nos. C-4735, C-4810.)

On May 26 and August 20, 1925, respectively, the United States attorney for the Eastern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 238 cases and 546 cans of sirup, remaining in the original unbroken packages in part at Orange, Tex., and in part at Jasper, Tex., alleging that the article had been shipped in part by L. A. Moresi, from Abbeville, La., on or about April 8, 1925, and in part by L. A. Moresi Syrup Co., from Jeanerette, La., on or about January 30, 1925, and transported from the State of Louisiana into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: "Some Good Syrup \* \* \* Manufactured By L. A. Moresi Syrup Co. Jeanerette, Louisiana." The remainder of the said article was labeled in part: "Moresi's Choice Golden Syrup Superior Quality, Manufactured By L. A. Moresi Abbeville, La."

Adulteration of the article was alleged in the libels for the reason that a substance consisting in part of commercial glucose had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designations "Syrup," with respect to a portion of the product, and "Choice Golden Syrup," with respect to the remainder thereof, were false and misleading and deceived and misled the purchaser, and in that the article was offered for sale under the distinctive name of another article.

On September 16 and 17, 1925, respectively, T. O. Landrum, Orange, Tex., and H. N. Gibbs, Jasper, Tex., having appeared as claimants for respective portions of the property, and the court having found that the material allegations of the libels had been sustained and that commercial glucose had been mixed and packed with and substituted wholly or in part for the article, decrees were entered, adjudging the product to be misbranded and ordering its condemnation and forfeiture, said decrees providing further that the product might be released to the claimants upon payment of the costs of the proceedings and the execution of good and sufficient bonds, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13838. Adulteration of canned salmon. U. S. v. 6,271 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20412. I. S. No. 123-x. S. No. W-1775.)

On September 28, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 6,271 cases of salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Pyramid Packing Co., from Sitka, Alaska, arriving at



Seattle, August 12, 1925, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Oasis Brand Pink Salmon \* \* \* Packed By Pyramid Packing Co. Sitka, Alaska."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On or about October 15, 1925, the Pyramid Packing Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,500, in conformity with section 10 of the act, conditioned in part that the bad portion be separated from the good portion under the supervision of this department and the bad portion destroyed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13839. Adulteration and alleged misbranding of butter. U. S. v. 3 Tubs of Butter. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20215. I. S. No. 14949-v. S. No. C-4767.)

On June 26, 1925, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3 tubs of butter, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Atlanta Butter & Cream Co., Atlanta, Ill., on or about June 22, 1925, and transported from the State of Illinois into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "From Atlanta Butter and Cream Co., Atlanta, Ill."

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat had been substituted for butter, which the said article purported to be, and in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by law.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 4, 1925, no claimant having appeared for the property, upon a finding by the court that the product was adulterated judgment of condemnation and forfeiture was entered, and it was ordered by the court that the said product be destroyed by the United States marshal.

**13840. Adulteration of canned salmon. U. S. v. 447 Cases and 499 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 19104. I. S. Nos. 8767-v, 8768-v, 8769-v, 8770-v. S. No. C-4525.)

On October 31, 1924, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 946 cases of canned salmon, and on February 9, 1925, an amendment to the libel withdrawing the charges as to 499 cases of the product, said libel as amended alleging that the article had been shipped by the Ward's Cove Packing Co., from Prince Rupert, B. C., on or about September 2, 1924, and transported from a foreign country, namely, the Dominion of Canada, into the State of Tennessee, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Ward's Cove Brand Choice Alaska Pink Salmon \* \* \* Packed by Ward's Cove Packing Co. Ketchikan, Alaska."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On October 21, 1925, the Ward's Cove Packing Co., Seattle, Wash., having appeared as claimant for the property and having admitted the allegations of the libel as amended, judgment of condemnation and forfeiture was entered,



and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$4,000, in conformity with section 10 of the act, said bond providing that the product be reconditioned under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13841. Adulteration of cherry chocolates. U. S. v. 3 Dozen Boxes and 297 Boxes of Chocolates. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 20159, 20160. I. S. Nos. 20567-v, 20568-v. S. No. W-1736.)

On June 29, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3 dozen boxes and 297 boxes of chocolates, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by J. G. McDonald Chocolate Co., from Salt Lake City, Utah, in part December 17, 1924, and in part June 16, 1925, and transported from the State of Utah into the State of California, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: "McDonald's Drowsy Scotch Cherry Chocolates." The remainder of the said article was labeled: (Carton) "Drowsy Scotch," (card-board in carton) "J. G. McDonald's Drowsy Scotch."

It was alleged in the libel that the article was adulterated in violation of section 7 of the said act, under "Confectionery," in that it contained a vinous, malt, or spirituous liquor or compound.

On October 6, 1925, the J. G. McDonald Chocolate Co., Salt Lake City, Utah, having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it be made to conform to the law under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13842. Misbranding of coffee and jelly, and adulteration and misbranding of sirup. U. S. v. Hewlett Bros. Co. Plea of guilty. Fine, \$325.** (F. & D. No. 19358. I. S. Nos. 12289-v, 20903-v, 20909-v, 20913-v, 20914-v.)

On March 17, 1925, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Hewlett Bros. Co., a corporation, Salt Lake City, Utah, alleging shipment by said company, in violation of the food and drugs act as amended, on or about July 29 and August 1, 1924, from the State of Utah into the State of Idaho, of quantities of jelly and coffee, respectively, which were misbranded, and on or about July 17 and 23 and August 1, 1924, from the State of Utah into the States of Idaho, Montana, and Wyoming, respectively, of quantities of sirup which was adulterated and misbranded. The coffee was labeled in part: "One Pound Net Weight \* \* \* Coffee \* \* Hewlett Bros. Co. Salt Lake City Utah." The jelly was labeled in part: "Net Weight 5 Lbs. Luneta Brand Hewlett Bros. Co. Salt Lake City, Utah, Imitation Bakers Jelly." The sirup was labeled in part: "1 Pint 12 Fl. Oz." (or "3½ Pints") "Luneta Brand Hewlett Bros. Co. Table Syrup Purity Quality." A portion of the said sirup was further labeled: "Corn Syrup Extra Cane Sugar Imitation Maple Flavor," in relatively small inconspicuous type.

Examination by the Bureau of Chemistry of this department of 30 packages of the coffee showed an average net weight of 15.73 ounces; 4 pails of the bakers jelly showed an approximate weight of 30 pounds each. Examination of a number of packages of the sirup showed that the average volume of the 3½ pint size and of the 1 pint 12 fluid ounce size was 3.03 pints and 1 pint 9.5 fluid ounces, respectively. Analysis of the sirup showed that it contained approximately 40 per cent of added glucose, also imitation maple flavor and artificial color.

Adulteration of the sirup was alleged for the reason that a substance, to wit, glucose, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and for the further reason that an artificially colored substance composed mainly of glucose and containing an imitation maple

flavor had been substituted for quality table sirup, which the said article purported to be.

Misbranding was alleged in the information with respect to the coffee and table sirup for the reason that the statements, to wit, "One Pound Net Weight," "1 Pint 12 Fl. Oz.," or "3 $\frac{1}{2}$  Pints," as the case might be, borne on the packages containing the articles, were false and misleading, in that the said statements represented that the packages contained the amounts declared thereon, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages contained the amounts declared thereon, whereas they did not contain the respective quantities declared on the labels but did contain less amounts. Misbranding of the bakers jelly was alleged for the reason that the statement, to wit, "Net Weight 5 Lbs.," borne on the pails containing the article, was false and misleading, in that the said statement represented that the pails contained no more than 5 pounds of the article, whereas each of said pails did contain more than 5 pounds of the said article. Misbranding was alleged with respect to all the products for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

Misbranding of the sirup was alleged for the reason that the statements, to wit, "Quality Table Syrup," in large, distinct type, and the statements, to wit, "Corn Syrup Extra Cane Sugar Imitation Maple Flavor," in small indistinct type, borne on the labels, were false and misleading, in that the statement "Quality Table Syrup," in conspicuous type, represented that the article was table sirup of good quality, namely, table sirup devoid of glucose, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was quality table sirup, namely, a table sirup not containing glucose, whereas the said article was not sirup of good quality in that it was composed largely of glucose. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On October 9, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$325.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13843. Adulteration and misbranding of canned clams. U. S. v. 15 Cases of Canned Clams. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20317. I. S. No. 5412-x. S. No. E-5451.)

On September 9, 1925, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 15 cases of canned clams, remaining in the original unbroken packages at Providence, R. I., alleging that the article had been shipped by Hinkley, Stevens & Co., from Columbia Falls, Me., on or about May 12, 1925, and transported from the State of Maine into the State of Rhode Island, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Clams Contents 5 Oz."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement "Clams Contents 5 Oz.," borne on the labels, was false and misleading and deceived and misled the purchaser, for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 9, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13844. Misbranding of butter. U. S. v. Macon Creamery Co. Plea of guilty. Fine, \$25.** (F. & D. No. 17950. I. S. No. 6192-v.)

On March 11, 1924, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Macon Creamery Co., a corporation, Macon, Miss., alleging shipment by



said company, in violation of the food and drugs act as amended, on or about June 18, 1923, from the State of Mississippi into the State of Alabama, of a quantity of butter which was misbranded. The article was labeled in part: "1 Lb. Net Weight."

Examination by the Bureau of Chemistry of this department of 119 packages of the article showed an average net weight of 15.25 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "1 Lb. Net Weight," borne on the packages containing the article, was false and misleading in that the said statement represented that the packages contained 1 pound net of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages contained 1 pound net of butter, whereas each of the said packages did not contain 1 pound net of butter but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 22, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13845. Adulteration and misbranding of butter. U. S. v. 15 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond or upon deposit of collateral. (F. & D. No. 20499. I. S. No. 7142-x. S. No. E-5496.)**

On September 30, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 15 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Milton Creamery Co., Milton Junction, Wis., on or about September 19, 1925, and transported from the State of Wisconsin into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On October 13, 1925, the Milton Creamery Co., Milton Junction, Wis., claimant, having admitted the allegations of the libel and having consented to the entry of a decree and to the reconditioning of the product so that it should contain at least 80 per cent of butterfat, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$450, or the deposit of collateral in like amount, to insure compliance with the decree, said decree providing further that the product be reworked and reprocessed under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13846. Misbranding of butter. U. S. v. Ted W. Robinson. Pleas of guilty. Fines, \$80. (F. & D. Nos. 18724, 18725, 19319. I. S. Nos. 6887-v, 6904-v, 6905-v, 8615-v, 8619-v, 18261-v, 18262-v, 18274-v.)**

On December 16, 1924, and February 8 and 17, 1925, respectively, the United States attorney for the Northern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district three informations against Ted W. Robinson, trading with associates as the Mistletoe Creameries, at Fort Worth and Amarillo, Tex., alleging shipment by said defendant, in violation of the food and drugs act as amended, in various consignments, namely, on or about February 15 and 25, 1923, respectively, from the State of Texas into the State of New Mexico, and on or about July 11 and 16, 1923, and June 19, 24, and 30, 1924, respectively, from the State of Texas into the State of Louisiana, of quantities of butter which was misbranded. The article was labeled in part: "Mistletoe Creamery

Butter \* \* \* Mistletoe Creameries Fort Worth" (or "Amarillo") "Texas One Pound Net."

Examination by the Bureau of Chemistry of this department of 690 packages of the article, comprising all the shipments, showed an average net weight of 15.71 ounces.

Misbranding of the article was alleged in the informations for the reason that the statement, to wit, "One Pound Net," borne on the packages containing the said article, was false and misleading, in that the said statement represented that each of the packages contained 1 pound net of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net of butter, whereas each of the packages did not contain 1 pound net of butter but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 10, 1925, the defendant entered a plea of guilty to each of the three informations, and the court imposed fines in the aggregate sum of \$80.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13847. Adulteration and misbranding of butter. U. S. v. 39 Boxes et al. of Butter. Product ordered released under bond.** (F. & D. Nos. 20198, 20234, 20235. I. S. Nos. 24262-v, 24257-v, 24258-v. S. Nos. E-5363, E-5364, E-5410.)

On or about June 29 and July 2, 1925, respectively, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 93 boxes of butter, remaining in the original unbroken packages at Baltimore, Md., consigned in part June 20, 1925, and in part June 25, 1925, alleging that the article had been shipped by the H. C. Christians Co., from Chicago, Ill., and transported from the State of Illinois into the State of Maryland, and charging adulteration and misbranding with respect to a portion of the product, and misbranding with respect to the remainder thereof, in violation of the food and drugs act as amended. Sixteen boxes contained butter wrapped in parchment papers labeled: "One Pound Net." The remaining boxes contained butter in cartons labeled in part: "Ayrshire Brand Guaranteed Strictly Pure Creamery Butter \* \* \* Sold By H. C. Christians Co., Johnson Creek, Wis., Rich In Quality Rich In Flavor Contents 1 Pound Net," and was wrapped in parchment wrappers a portion of which were labeled, "One Pound Net," and the remainder of which were labeled, "4 Ounces Net."

Adulteration was alleged in the libels with respect to 77 boxes of the article for the reason that a substance low in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by law.

Misbranding with respect to a portion of the product was alleged for the reason that it was offered for sale under the distinctive name of another article and the statements "One Pound Net," "One Pound Net," and "4 Ounces Net," as the case might be, with respect to the net weight, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages. Misbranding was alleged with respect to the remainder of the product for the reason that the statement "Butter Guaranteed Strictly Pure \* \* \* Rich In Quality Rich In Flavor" was false and misleading and deceived and misled the purchaser.

On July 7, 1925, Arthur Medwedeff having appeared as claimant for the property, decrees of the court were entered, ordering that the product be released to the said claimant upon the execution of a bond in the sum of \$1,800, in conformity with section 10 of the act, said decrees providing that the portion of the product deficient in butterfat be reworked so as to contain a minimum of 80 per cent of butterfat, and the portion that was short weight have sufficient butter added to the prints to bring them up to the full weight.

R. W. DUNLAP, *Acting Secretary of Agriculture.*



**13848. Adulteration of grapefruit. U. S. v. 361 Cases of Grapefruit. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 20467. I. S. No. 4812-x. S. No. E-5495.)**

On or about September 16, 1925, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 361 cases of grapefruit at San Juan, P. R., alleging that on or about September 15, 1925, the Candelaria Packing House, trading in Porto Rico, had delivered the product for shipment in interstate commerce from the Territory of Porto Rico into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Rancho—Alta Vista Fruit Co., Bayamon, Porto Rico."

Adulteration of the article was alleged in the libel for the reason that a product, immature grapefruit artificially colored, had been mixed and packed with and substituted in whole or in part for the said article, and for the further reason that it had been colored in a manner whereby inferiority was concealed.

On October 3, 1925, John M. Kohn, manager and sole owner of the Alta Vista Fruit Co. of Porto Rico, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal and that the empty cases be delivered to the claimant upon payment of the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13849. Adulteration and misbranding of hominy feed. U. S. v. the Corno Mills Co. Plea of guilty. Fine, \$200. (F. & D. No. 19620. I. S. No. 22262-v.)**

On August 7, 1925, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Corno Mills Co., a corporation, East St. Louis, Ill., alleging shipment by said company, in violation of the food and drugs act, on or about June 11, 1924, from the State of Illinois into the State of Maryland, of a quantity of hominy feed which was adulterated and misbranded. The article was labeled in part: "Corno Hominy Feed Guaranteed Analysis: Protein 10.00 Fat 7.00 \* \* \* Made By The Corno Mills Co. Address: East St. Louis, Ill."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it contained 8.69 per cent of protein, 1.95 per cent of fat, noticeable amounts of wheat, and an oat by-product.

Adulteration of the article was alleged in the information for the reason that very noticeable amounts of a wheat and oat by-product had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that a substance containing a wheat and oat by-product and containing less than 10 per cent of protein and less than 7 per cent of fat had been substituted for hominy feed guaranteed to contain 10 per cent of protein and 7 per cent of fat, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Hominy Feed Guaranteed Analysis: Protein 10.00 Fat 7.00," borne on the sacks containing the article, were false and misleading, in that the said statements represented the article to be hominy feed containing 10 per cent of protein and 7 per cent of fat, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was hominy feed containing 10 per cent of protein and 7 per cent of fat, whereas it was a food containing very noticeable amounts of a wheat and oat by-product, and it contained less than 10 per cent of protein and less than 7 per cent of fat. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On September 2, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

R. W. DUNLAP, *Acting Secretary of Agriculture.*



**13850. Adulteration and misbranding of maple sugar. U. S. v. 60 Pails of Maple Sugar. Default decree of condemnation, forfeiture, and sale.** (F. & D. No. 20108. I. S. No. 14400-v. S. No. E-5324.)

On June 11, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 60 pails of maple sugar, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by H. Waite & Sons, from Enosburg Falls, Vt., May 19, 1925, and transported from the State of Vermont into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Shipping label) "We guarantee this package contains Pure Maple Product not adulterated or misbranded within the meaning of the Food & Drugs Act, June 30, 1906, Maplevale Sugar & Syrup Works H. Waite & Sons, Props. Morrisville, Vermont."

Adulteration of the article was alleged in the libel for the reason that a substance, cane sugar, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement "We guarantee this package contains Pure Maple Product not adulterated or misbranded within the meaning of the Food & Drugs Act, June 30, 1906, Maplevale Sugar & Syrup Works," borne on the labels, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On September 23, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

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| Monden, T.....                         | 13827     | Brown, J. S., Mercantile Co....             | 13807        |
| Butter:                                |           | peach:                                      |              |
| Atlanta Butter & Cream Co.....         | 13839     | Brown, J. S., Mercantile Co....             | 13807        |
| Christians, H. C., Co.....             | 13847     | plum:                                       |              |
| Ellendale Creamery Co.....             | 13804     | Brown, J. S., Mercantile Co....             | 13807        |
| Farmers Cooperative Creamery           |           | raspberry:                                  |              |
| Association.....                       | 13803     | Brown, J. S., Mercantile Co....             | 13807        |
| Farmers Creamery Co.....               | 13802     | Sanitary Food Manufacturing                 |              |
| Hassayampa Creamery Co.....            | 13823     | Co.....                                     | 13810        |
| Hibbing Creamery.....                  | 13831     | strawberry:                                 |              |
| Macon Creamery Co.....                 | 13844     | Brown, J. S., Mercantile Co....             | 13807        |
| Milton Creamery Co.....                | 13845     | Sanitary Food Manufacturing                 |              |
| Mistletoe Creameries.....              | 13846     | Co.....                                     | 13810        |
| Western Creamery Co.....               | 13836     | Jelly:                                      |              |
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| Chocolates. <i>See</i> Confectionery.  |           | Loganberry jam. <i>See</i> Jam.             |              |
| Clams. <i>See</i> Shellfish.           |           | Malted milk:                                |              |
| Coffee:                                |           | Melodew Products.....                       | 13806        |
| Hewlett Bros. Co.....                  | 13842     | Maple sugar:                                |              |
| Confectionery, chocolates:             |           | Waite, H., & Sons.....                      | 13850        |
| McDonald, J. G., Chocolate Co..        | 13841     | Mineral water. <i>See</i> Water.            |              |
| pineapple hearts:                      |           | Mixed feed. <i>See</i> Feed.                |              |
| Candy Products Corporation....         | 13805     | Ointment, vegetable:                        |              |
| Cotton root bark:                      |           | Gary Medicine Co.....                       | 13821        |
| Penick, S. B., & Co.....               | 13809     | Oysters. <i>See</i> Shellfish.              |              |
| Cottonseed cake. <i>See</i> Feed.      |           | Peach jam. <i>See</i> Jam.                  |              |
| meal. <i>See</i> Feed.                 |           | Pineapple hearts. <i>See</i> Confectionery. |              |
| Dates:                                 |           | Plum jam. <i>See</i> Jam.                   |              |
| Candy Products Corporation....         | 13805     | Preserves, apple:                           |              |
| Florita, John R., Co.....              | 13830     | Orchard Products Co.....                    | 13811        |
| Eggs:                                  |           | raspberry:                                  |              |
| Hastings Poultry Co.....               | 13816     | Orchard Products Co.....                    | 13811        |
| Parsons, A. F.....                     | 13817     | strawberry:                                 |              |
| Extract, vanilla:                      |           | Orchard Products Co.....                    | 13811        |
| Fulton Manufacturing Co.....           | 13835     | Raspberry jam. <i>See</i> Jam.              |              |
| Feed, cottonseed cake:                 |           | preserves. <i>See</i> Preserves.            |              |
| Elk City Cotton Oil Co.....            | 13822     | Salmon. <i>See</i> Fish.                    |              |
| cottonseed meal:                       |           | Sardines. <i>See</i> Fish.                  |              |
| Chickasha Cotton Oil Co.....           | 13813     | Sarsaparilla root:                          |              |
| Elk City Cotton Oil Co.....            | 13822     | Penick, S. B., & Co.....                    | 13809        |
| Wilmington Oil & Fertilizer Co..       | 13825     | Shellfish, clams:                           |              |
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| Corno Mills Co.....                    | 13849     | oysters:                                    |              |
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| Fish, salmon:                          |           | Sirup:                                      |              |
| Libby, McNeill & Libby.....            | 13814     | Hewlett Bros. Co.....                       | 13842        |
| Pyramid Packing Co.....                | 13838     | Moresi, L. A.....                           | 13837        |
| Ward's Cove Packing Co.....            | 13840     | Moresi, L. A., Syrup Co.....                | 13837        |
| sardines:                              |           | Strawberry jam. <i>See</i> Jam.             |              |
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## United States Department of Agriculture

### SERVICE AND REGULATORY ANNOUNCEMENTS

#### BUREAU OF CHEMISTRY

#### SUPPLEMENT

N. J. 13851-13900

[Approved by the Acting Secretary of Agriculture, Washington, D. C., January 30, 1926]

#### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

**13851. Adulteration of cloves. U. S. v. 10 Bales of Cloves. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20107. I. S. No. 14919-v. S. No. C-4743.)

On June 9, 1925, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 bales of cloves, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by John W. Green & Co., New York, N. Y., on or about March 17, 1925, and transported from the State of New York into the State of Missouri, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance, sticks and stems, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

On October 30, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13852. Misbranding of olive oil. U. S. v. Antonio Palange and Harry Goldberg (Palby Products Co.). Pleas of guilty. Fines, \$150.** (F. & D. No. 19627. I. S. Nos. 13202-v, 15519-v, 16558-v.)

On September 30, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Antonio Palange and Harry Goldberg, copartners, trading as the Palby Products Co., New York, N. Y., alleging shipment by said defendants, in violation of the food and drugs act as amended, in various consignments, namely, on or about October 13 and 15 and November 11, 1924, from the State of New York into the States of Georgia, Pennsylvania, and Connecticut, respectively, of quantities of olive oil which was misbranded. The article was labeled in part: (Can) "Net Contents One Gallon Nettuno Brand \* \* \* Olio Puro D'Olive Finissimo Prodotto Garentito \* \* \* P. G. & Company."

Examination by the Bureau of Chemistry of this department of 9 cans, 3 cans, and 6 cans from the respective shipments showed an average volume of .952 gallon, .97 gallon, and .962 gallon, respectively.



Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Contents One Gallon," borne on the cans containing the article, was false and misleading, in that the said statement represented that each of said cans contained 1 gallon net of olive oil, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 1 gallon net of olive oil, whereas each of the cans did not contain 1 gallon of olive oil but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 5, 1925, the defendants entered pleas of guilty to the information, and the court imposed fines in the aggregate amount of \$150.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13853. Adulteration and misbranding of butter. U. S. v. 68 Boxes of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20519. I. S. No. 2010-x. S. No. C-4836.)**

On October 1, 1925, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 68 boxes of butter, at Memphis, Tenn., alleging that the article had been shipped by the Western Creamery Co., from Kansas City, Mo., August 6, 1925, and transported from the State of Missouri into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Creamery Butter."

Adulteration of the article was alleged in the libel for the reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by law, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter," borne on the labels, was false and misleading, in that the said statement represented that the article consisted wholly of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of butter, whereas it did not so consist but did consist of a product deficient in milk fat. Misbranding was alleged for the further reason that the statement "Butter," borne on the labels was false and misleading, in that it represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by law, whereas it did not contain 80 per cent by weight of milk fat but did contain a less amount.

On October 1, 1925, the Western Creamery Co., Kansas City, Mo., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, in conformity with section 10 of the act, said bond providing that the product be reconditioned or relabeled under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13854. Misbranding of butter. U. S. v. 17 Cases of Butter. Decree of condemnation entered. Product released upon deposit of collateral. (F. & D. No. 20260. I. S. No. 23452-v. S. No. W-1744.)**

On or about June 30, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 17 cases of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by Swift & Co., Portland, Oreg., May 29, 1925, and transported from the State of Oregon into the State of Washington, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Brookfield Creamery Butter 2 Lbs. Net Weight Swift & Company, U. S. A."

It was alleged in the libel that the article was misbranded under section 8 of the act, paragraphs 2 and 3 under "Food," in that it was short weight, and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 10, 1925, Swift & Co. having appeared as claimant for the property and having admitted the allegations of the libel and paid the costs of the proceedings, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon the deposit of a certified check in the sum of \$250, said decree providing that the product be reconditioned and relabeled under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13855. Adulteration of oranges. U. S. v. 462 Boxes of Oranges. Product released under bond to be sorted.** (F. & D. No. 19925. I. S. No. 9837-v. S. No. W-1687.)

On March 27, 1925, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 462 boxes of oranges, remaining in the original unbroken packages at Ogden, Utah, alleging that the article had been shipped by F. H. Speich & Co., from Casa Blanca, Calif., on or about March 9, 1925, and transported from the State of California into the State of Utah, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Washington Navels Request Brand \* \* \* F. H. Speich and Company Riverside, California."

Adulteration of the article was alleged in the libel for the reason that an inedible product and substance had been substituted wholly or in part for the said article.

On May 4, 1925, the Ogden Commission Co., Ogden, Utah, claimant, having paid the costs of the proceedings and executed a bond in the sum of \$1,500, and the product having been sorted under the supervision of this department, a decree of the court was entered, ordering that the good portion be released to the said claimant.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13856. Adulteration of canned sardines. U. S. v. 600 Cases of Sardines. Default decree of condemnation and destruction entered, with provision that product might be released under bond.** (F. & D. No. 20337. I. S. No. 2111-x. S. No. C-4806.)

On August 10, 1925, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 600 cases of sardines, at Cleveland, Ohio, alleging that the article had been shipped by the Van Camp Sea Food Co., San Pedro, Calif., on or about December 22, 1924, and transported from the State of California into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Nekco Brand 15 Oz."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On November 4, 1925, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed unless a claimant appear within 10 days and take the product down under bond to be salvaged under the supervision of this department. On November 19, 1925, no claimant having appeared, the product was destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13857. Adulteration and misbranding of chocolate fountain sirup. U. S. v. 9 Cases, et al., of Chocolate Fountain Sirup. Default decrees of destruction entered.** (F. & D. Nos. 20093, 20094. I. S. Nos. 17276-v. 17277-v. S. No. E-5312.)

On June 10, 1925, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 18 cases and 10 gallons of chocolate fountain sirup, remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped by the Regent Chocolate Co., from Baltimore, Md., in part April 14, 1925, and in part April 15, 1925, and transported from the State of Maryland into the State of Virginia, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article



was labeled in part: "Bungalow Delightful Fountain Chocolate The Regent Chocolate Company Baltimore, Maryland \* \* \* Contents One Gallon."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it was a chocolate flavored sirup containing about 5 per cent undeclared glucose. Examination by said bureau of a sample of the article showed that it was short volume.

It was alleged in substance in the libels that the article was adulterated in violation of section 7 of the act, paragraph 2 under "Food," in that its quality was lower than declared on the labels.

Misbranding was alleged for the reason that the statements "Contents One Gallon," "Chocolate Fountain Syrup" were false and misleading and deceived and misled the purchaser, for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 7, 1925, no claimant having appeared for the property, decrees of the court were entered, adjudging the product adulterated and misbranded and ordering that it be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13858. Misbranding of Dr. J. S. Rose's whooping cough remedy. U. S. v. 34 Bottles of Dr. J. S. Rose's Whooping Cough Remedy. Default order of destruction entered. (F. & D. No. 19905. S. No. E-5168.)**

On March 18, 1925, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 34 bottles of Dr. J. S. Rose's whooping cough remedy, remaining unsold in the original packages at Richmond, Va., alleging that the article had been shipped by Aschenbach & Miller, Inc., from Philadelphia, Pa., on or about January 6, 1925, and transported from the State of Pennsylvania into the State of Virginia, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it contained sirup, potassium nitrate, arsenic, and a cyanide.

Misbranding of the article was alleged in the libel for the reason that the following statements: (Carton) "Whooping Cough Remedy \* \* \* Symptoms of Whooping Cough. It comes on with a slight cough gradually increasing until the patient is almost suffocated; the eyes swell and sometimes the whole face, the nose runs, there is more or less fever and each spell of coughing ends in vomiting, which produces a short respite from suffering, or perfect and complete intermission from all symptoms. \* \* \* Whooping Cough—What is it? Physicians have unanimously come to the conclusion that Whooping Cough is not only clearly spasmodic, but may, if neglected, often run into other diseases—as Chronic Inflammation of the Lungs, Consumption and often Dropsy of the Chest. These terminations of the disease, however, they all admit, are only possible when badly treated or left to itself—believing it must run the course of many months, and which it unfortunately often does, if treated in the ordinary way. Discovering early in my practice the disease thus maltreated or misunderstood, I determined to study its Pathology, or nature, and having discovered this, I invented this Compound, since which time I have seldom seen a case last over one or two weeks—relieving after the first day (producing marked improvement) and leaving no bad effect from the disease.

\* \* \* In Whooping Cough it is not only necessary to use medicine that will cause expectoration, but it must also remove spasm of the air-cells, and be Tonic in its nature to prevent the frequent returns and long continuation of coughing. Therefore, having always relieved the spasms of Whooping Cough with this Remedy, we most strongly recommend it to all who have now, or may have hereafter, Whooping Cough," (bottle) "Whooping Cough Remedy," borne on the labels, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On October 12, 1925, no claimant having appeared for the property, judgment of the court was entered, finding the product misbranded and ordering its destruction by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*



**13859. Misbranding of Dr. J. S. Rose's whooping cough remedy. U. S. v. 29 Bottles of Dr. J. S. Rose's Whooping Cough Remedy. Default order of destruction entered. (F. & D. No. 19904. S. No. E-5167.)**

On March 18, 1925, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 29 bottles of Dr. J. S. Rose's whooping cough remedy, remaining unsold in the original packages at Richmond, Va., alleging that the article had been shipped by the Powers-Weightman-Rosengarten Co., from Philadelphia, Pa., on or about May 17, 1924, and transported from the State of Pennsylvania into the State of Virginia, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it contained sirup, potassium nitrate, arsenic, and a cyanide.

Misbranding of the article was alleged in the libel for the reason that the following statements: (Carton) "Whooping Cough Remedy \* \* \* Symptoms of Whooping Cough It comes on with a slight cough gradually increasing until the patient is almost suffocated; the eyes swell and sometimes the whole face, the nose runs, there is more or less fever and each spell of coughing ends in vomiting, which produces a short respite from suffering, or perfect and complete intermission from all symptoms. \* \* \* Whooping Cough—What is it? Physicians have unanimously come to the conclusion that Whooping Cough is not only clearly spasmodic, but may, if neglected, often run into other diseases—as Chronic Inflammation of the Lungs, Consumption and often Dropsy of the Chest. These terminations of the disease, however, they all admit, are only possible when badly treated or left to itself—believing it must run the course of many months, and which it unfortunately often does, if treated in the ordinary way. Discovering early in my practice the disease thus maltreated or misunderstood, I determined to study its Pathology, or nature, and having discovered this, I invented this Compound, since which time I have seldom seen a case last over one or two weeks—relieving after the first day (producing marked improvement) and leaving no bad effect from the disease. \* \* \* In Whooping Cough it is not only necessary to use medicine that will cause expectoration, but it must also remove spasm of the air-cells, and be Tonic in its nature to prevent the frequent returns and long continuation of coughing. Therefore, having always relieved the spasms of Whooping Cough with this Remedy, we most strongly recommend it to all who have now, or may have hereafter, Whooping Cough," (bottle) "Whooping Cough Remedy," borne on the labels, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On October 12, 1925, no claimant having appeared for the property, judgment of the court was entered, finding the product misbranded and ordering its destruction by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13860. Adulteration and misbranding of poultry feed. U. S. v. Mutual Rendering Co., Inc. Plea of guilty. Fine, \$50. (F. & D. No. 19649. I. S. No. 21280-v.)**

On July 29, 1925, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Mutual Rendering Co., Inc., a corporation, alleging shipment by said company, in violation of the food and drugs act, on or about July 22, 1924, from the State of Pennsylvania into the State of Maryland, of a quantity of poultry feed which was adulterated and misbranded. The article was labeled in part: "Mureco Animal Products 55 Protein \* \* \* Guaranteed Analysis Protein 55% Min. \* \* \* Manufactured by Mutual Rendering Co., Inc., Philadelphia, Pa."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it contained 50.02 per cent of protein.

Adulteration of the article was alleged in the information for the reason that a poultry feed containing less than 55 per cent of protein had been substituted for a poultry feed containing 55 per cent of protein, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "55 Protein \* \* \* Guaranteed Analysis Protein 55% Min.," borne on the bags

containing the article, were false and misleading, in that the said statements represented that the article contained not less than 55 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 55 per cent of protein, whereas it did not contain 55 per cent of protein but contained a less amount.

On October 9, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13861. Adulteration and misbranding of gray shorts. U. S. v. 40 Sacks of Gray Shorts. Default order of forfeiture and destruction entered. (F. & D. No. 19946. I. S. No. 21448-v. S. No. C-4691.)**

On March 31, 1925, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 40 sacks of gray shorts, remaining in the original unbroken packages at Laurel, Miss., alleging that the article had been shipped by Hogan Bros., from Kansas City, Mo., on or about January 28, 1925, and transported from the State of Missouri into the State of Mississippi, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Strength Feed Wheat Gray Shorts with Ground Wheat Screenings Not to Exceed Mill Run Hogan Brothers, Kansas City, Mo.," and was invoiced as "Gray Shorts."

Adulteration of the article was alleged in the libel for the reason that brown shorts had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Gray Shorts" was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On September 22, 1925, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13862. Adulteration and misbranding of strawberry sirup. U. S. v. Hewlett Bros. Co. Plea of guilty. Fine, \$50. (F. & D. No. 19642. I. S. No. 12290-v.)**

On August 8, 1925, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Hewlett Bros. Co., a corporation, Salt Lake City, Utah, alleging shipment by said company, in violation of the food and drugs act, on or about July 17, 1924, from the State of Utah into the State of Idaho, of a quantity of strawberry sirup which was adulterated and misbranded. The article was labeled in part: (Bottle) "Hewlett's Supreme Purity Quality (Hewlett Bros. Co. Salt Lake City Utah) Concentrated Fountain Syrup Strawberry."

Adulteration of the article was alleged in the information for the reason that an artificially colored and artificially flavored sirup which contained little, if any, strawberry juice, had been substituted for sirup strawberry, which the said article purported to be. Adulteration was alleged for the further reason that the article was a product inferior to sirup strawberry, prepared in imitation of sirup strawberry, and was artificially colored with amaranth so as to simulate the appearance of sirup strawberry and in a manner whereby its inferiority to sirup strawberry was concealed.

Misbranding was alleged for the reason that the statement, to wit, "Syrup Strawberry," borne on the labels, was false and misleading, in that the said statement represented that the article consisted wholly of sirup strawberry, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of sirup strawberry, whereas it did not so consist but did consist of an artificially colored and flavored sirup which contained little, if any, strawberry juice. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On October 9, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. F. MARVIN, *Acting Secretary of Agriculture.*



**13863. Adulteration of butter. U. S. v. 6 Tubs of Butter. Decree of condemnation entered. Product released on deposit of collateral. (F. & D. No. 20300. I. S. No. 22416-v. S. No. E-5370.)**

On July 6, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 6 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned June 22, 1925, alleging that the article had been shipped by the Willow Lake Creamery, Willow Lake, S. Dak., and transported from the State of South Dakota into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the article, to wit, butterfat, had been wholly or in part abstracted.

On July 29, 1925, Chase Bros. (Willow Lake Creamery), Willow Lake, S. Dak., having entered an appearance as claimant for the property and having deposited collateral in the sum of \$350, in lieu of bond, to insure compliance with the terms of the decree, judgment of condemnation was entered, and it was ordered by the court that the product might be released to said claimant upon payment of the costs of the proceedings.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13864. Adulteration of oranges. U. S. v. 462 Boxes of Oranges. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20199. I. S. No. 14660-v. S. No. C-4752.)**

On June 18, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 462 boxes of oranges, remaining in the original unbroken packages at Harvey, Ill., alleging that the article had been shipped by the Angeles Brokerage Co., from San Gabriel, Calif., June 5, 1925, into the State of Tennessee, and that it had been reconsigned from Memphis, Tenn., and was en route for export into Canada, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On July 1, 1925, H. D. Boehner, Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the sound portion be used in the manufacture of orange products such as orange juice under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13865. Misbranding of cottonseed cake. U. S. v. 280 Sacks of Cottonseed Cake. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 18449. I. S. No. 11940-v. S. No. W-1490.)**

On March 6, 1924, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 280 sacks of cottonseed cake, remaining in the original unbroken packages at La Junta, Colo., consigned by the International Vegetable Oil Co., Dallas, Tex., alleging that the article had been shipped from Dallas, Tex., on or about January 25, 1924, and transported from the State of Texas into the State of Colorado, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Cottonseed Cake or Meal Manufactured by the International Vegetable Oil Co., Dallas, Texas Guaranteed Analysis: Protein, Not less than 43.00% Ammonia, Not less than 8.37% Fat, Not less than 6.00% Fibre, Not more than 12.00%."

Misbranding of the article was alleged in the libel for the reason that the statement "Guaranteed Analysis: Protein, Not less than 43.00% Ammonia, Not less than 8.37% Fat, Not less than 6.00% Fibre, Not more than 12.00%," borne on the labels, was false and misleading and deceived and misled the purchaser.



On August 15, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be relabeled and sold by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13866. Misbranding of meat scraps. U. S. v. 20 Sacks of Meat Scraps. Product ordered released under bond. (F. & D. No. 20596. I. S. No. 323-x. S. No. W-1809.)**

On November 19, 1925, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 sacks of meat scraps, remaining in the original unbroken packages at Laramie, Wyo., alleging that the article had been shipped by the Colorado Animal By-Products Mfg. Co., Denver, Colo., on or about October 23, 1925, and transported from the State of Colorado into the State of Wyoming, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Sack) "Golden Brand Improved Meat & Bone Meat Scraps Protein 50% Fat 10% Bone Phosphate 20% Fibre 2% Manufactured By Colorado Animal By-Products Mfg. Co. Denver."

Misbranding of the article was alleged in the libel for the reason that the statement "Protein 50%," borne on the sacks, was false and misleading and deceived and misled the purchaser, in that the said article did not contain 50 per cent of protein but did contain a lower percentage of protein.

On November 25, 1925, the Colorado Animal By-Products Co., Denver, Colo., having appeared as claimant for the property and having executed a bond in the sum of \$130, conditioned in part that the product not be sold or otherwise disposed of contrary to law, a decree of the court was entered, ordering that the said product be released to the claimant upon payment of the costs of the proceedings.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13867. Adulteration and misbranding of canned corn. U. S. v. 193 Cases, et al., of Canned Corn. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 20504, 20505, 20506, 20507. I. S. No. 5162-x. S. No. E-5525.)**

On October 15, 1925, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a district court, libels praying the seizure and condemnation of 723 cases of canned corn, remaining in the original unbroken packages at Washington, D. C., alleging that the article was being offered for sale and sold in the District of Columbia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Blue Bell Brand Whole Kernel Fancy Shoe Peg Corn \* \* \* Wm Silver & Co. Inc. Aberdeen, Md. Distributers."

Adulteration of the article was alleged in the libels for the reason that a substance, excessive brine, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement "Whole Kernel Fancy Shoe Peg Corn," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On November 5, 1925, Eugene Billingslea, Aberdeen, Md., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,500, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13868. Adulteration of walnut meats. U. S. v. 3 Cases of Walnut Meats. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20541. I. S. No. 8052-x. S. No. E-5532.)**

On November 2, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3 cases of walnut meats, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by S. Bledjian Fils & Cie, from Constantinople, Turkey, arriving in

New York on or about April 11, 1925, and that it had been transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On November 16, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13869. Misbranding of Lithadonis. U. S. v. 11 Bottles of Lithadonis. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20520. S. No. E-5513.)**

On October 19, 1925, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 11 bottles of Lithadonis, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the American Apothecaries Co., alleging that the article had been shipped from Long Island City, N. Y., on or about August 15, 1925, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it consisted of tablets containing compounds of lithium and iodine, salicylate, caffeine, and a material derived from plant drugs including a laxative drug.

Misbranding of the article was alleged in substance in the libel for the reason that the bottle label bore the following statements regarding the curative or therapeutic effects of the said article: "For \* \* \* Gout \* \* \* indications \* \* \* Arthritis \* \* \* Lumbago Sciatica, Gout Par excellence for Tophi, Calculi and all forms of chronic Uric-Acid deposits in Joints, Glands or Tissues. Invaluable, also, in Gonorrheal Rheumatism and mixed infections, from Scrofula, Syphilis, etc. In acute attacks and while pain lasts in chronic cases \* \* \* When pain has been relieved diminish frequency. It is advised to give the Saline Laxative Salviae every morning, which should be continued after dispersal of Tophi, etc., to prevent their reforming," which said statements were false and fraudulent, in that the said article would not produce the curative or therapeutic effects which purchasers were led to expect thereby, and which were applied to the article with a knowledge of their falsity for the purpose of defrauding purchasers thereof.

On November 18, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13870. Adulteration of butter. U. S. v. 39 Cubes and 45 Cubes of Butter. Decree entered, adjudging product adulterated and ordering its release. (F. & D. Nos. 20311, 20334. I. S. Nos. 11-x, 22-x. S. Nos. W-1755, W-1760.)**

On or about July 17 and 29, 1925, respectively, the United States attorney for the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 84 cubes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by Swift & Co., from Weiser, Idaho, in part on or about July 1, 1925, and in part on or about July 14, 1925, and transported from the State of Idaho into the State of California, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libels for the reason that a product deficient in milk fat had been substituted wholly or in part for butter, and in that a valuable constituent, namely, milk fat, had been partially abstracted therefrom.

On or about September 16, 1925, Swift & Co., Weiser, Idaho, having appeared as claimant for the property, decrees were entered, adjudging the product to be adulterated, and it was ordered by the court that it be released to the said claimant upon payment of the costs of the proceedings and that the bonds theretofore executed be exonerated.

C. F. MARVIN, *Acting Secretary of Agriculture.*



**13871. Adulteration of butter. U. S. v. 28 Cubes of Butter. Product adjudged adulterated and released under bond. (F. & D. No. 20368. I. S. No. 23-x. S. No. W-1761.)**

On or about July 30, 1925, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 28 cubes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Jerome Cooperative Creamery, Jerome, Idaho, on or about July 9, 1925, and transported from the State of Idaho into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From J. C. C. Jerome, Idaho."

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat had been substituted wholly or in part for butter, and in that a valuable constituent, namely, milk fat, had been partially abstracted therefrom.

On or about August 25, 1925, the Jerome Cooperative Creamery Co., Jerome, Idaho, having appeared as claimant for the property, judgment of the court was entered, finding the product adulterated and ordering that it be released to the said claimant upon payment of the costs of the proceedings and that the bond theretofore executed be exonerated.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13872. Adulteration of butter. U. S. v. 150 Tubs, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 20452, 20496, 20497, 20498. I. S. Nos. 1922-x, 1924-x, 1925-x, 1926-x. S. Nos. C-4818, C-4825, C-4828, C-4832.)**

On or about September 3, 1925, and on September 24, 1925, respectively, the United States attorney for the Southern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 973 tubs of butter, remaining unsold in the original packages at Columbus, Ohio, consigned by the Lakeville Creamery Co., Lakeville, Minn., on or about the respective dates of July 10, 18, and 27 and August 5, 1925, alleging that the article had been shipped from Lakeville, Minn., and transported from the State of Minnesota into the State of Ohio, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libels for the reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat. Adulteration was alleged with respect to 691 tubs of the product for the further reason that a product deficient in milk fat had been substituted for butter, which the article purported to be.

On September 19 and October 6, 1925, respectively, the Lakeville Creamery Co., Lakeville, Minn., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of good and sufficient bonds, in conformity with section 10 of the act, conditioned in part that it be reworked in a manner satisfactory to this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13873. Misbranding of Kopp's. U. S. v. 17 Dozen Bottles, et al., of Kopp's. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 20484 to 20489, incl. S. Nos. E-5497 to E-5501, incl.)**

On October 9, 1925, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 145 dozen  $\frac{1}{2}$ -ounce bottles, 85 $\frac{1}{2}$  dozen  $1\frac{1}{2}$ -ounce bottles, and 35 $\frac{1}{4}$  dozen 4-ounce bottles of Kopp's, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Kopp's Baby's Friend Co., from York, Pa., between the dates of January 29, 1925, and September 30, 1925, and transported from the State of Pennsylvania into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it consisted essentially of morphine sulphate, alcohol, sugar, water, and flavoring and coloring materials.



Misbranding of the article was alleged in the libels for the reason that the following statements regarding the curative and therapeutic effects of the article, borne on the labeling of all the said article: (Circular, English) "Teething. This is usually a trying and critical experience in baby's career. The swollen and congested gums are very painful, and if this pain continues it causes extreme nervousness, the child becomes restless and fretful, there is indigestion which causes either diarrhoea or constipation, vomiting, in many cases, high fever and sometimes convulsions. A Teething baby is a Nervous Baby and is more likely to contract Colds, Diarrhoea, Cholera infantum, Whooping Cough, and other baby ailments, and is less able to withstand them. In fact, many a case of illness in an infant that in itself could be controlled, when complicated with Teething, becomes a very grave affair. It is therefore very important that teething be made as painless as possible," (French) "During dentition use this remedy regularly morning and evening," (German) "In the coming of the teeth it should be taken regularly morning and evening," (Spanish) "During dentition it should be used regularly night and morning," (Italian) "During dentition it is to be given to the little ones morning and evening regularly," (bottle) "Kopp's Alcohol About  $8\frac{1}{4}$  Per Cent Sulphate Of Morphine  $\frac{1}{8}$  Grain Per Ounce Besides Other Medicinal Ingredients Made By The Kopp's Baby's Friend Co. Successors to Mrs. J. A. Kopp," (carton, which is that portion of labeling first seen by purchaser) "Kopp's Alcohol about  $8\frac{1}{2}$  Per Cent. Sulphate Of Morphine  $\frac{1}{8}$  Grain Per Ounce Besides Other Medicinal Ingredients The Kopp's Baby's Friend Co. Kopp's The Kopp's Baby's Friend Co. Successors to Mrs. J. A. Kopp, Kopp's Made by The Kopp's Baby's Friend Co.," together with the statements borne on a white folder accompanying a portion of the article: "Kopp's Remedies for Babies and Children. Kopp's Baby's Friend 20¢, 40¢, 75¢. Used by thousands of mothers in all parts of the world for Colic, Diarrhoea and Teething," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On November 18, 1925, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13874. Adulteration and misbranding of colors. U. S. v. 23 Packages, et al., of Colors. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 19044. I. S. Nos. 16916-v, 16917-v, 16918-v. S. No. E-4959.)

On October 7, 1924, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 81 packages of colors, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the H. Kohnstamm Co., from New York, N. Y., July 17, 1924, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The bottles containing the article were labeled in part: "Atlas Colors \* \* \* Brilliant Yellow Shade Coal Tar Color" (or "New Atlas Paste Colors Yellow" or "New Atlas Paste Colors Brilliant Yellow Shade" or "Special Deep Brilliant Green Shade") "We Guarantee The Contents Of This Package To Contain No Coal Tar Colors Except Our Certified Colors." The cartons containing the said bottles were labeled in part: "H. Kohnstamm & Co, Inc. New York Chicago."

Adulteration of the article was alleged in the libel for the reason that a substance, sugar and glycerin, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for certified color, which the said article purported to be.

Misbranding was alleged for the reason that the statements appearing in the labeling, "We Guarantee The Contents Of This Package To Contain No Coal Tar Colors Except Our Certified Colors," "Atlas Colors Brilliant Yellow," "Brilliant Yellow Shade Coal Tar Color," "5662 New Atlas Paste Colors Yellow" (or "Lot No. 5533"), "Special Deep Green 5634," and "Special Deep Brilliant Green Shade," as the case might be, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further

reason that the article was offered for sale under the distinctive name of another article.

On November 16, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13875. Misbranding of flour. U. S. v. 40 Sacks and 23 Sacks of Flour. Default decrees of condemnation, forfeiture, and sale. (F. & D. No. 20161. I. S. Nos. 17474-v, 17475-v. S. No. E-5393.)**

On June 30, 1925, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 63 sacks of flour, remaining in the original unbroken packages at Cheraw, S. C., alleging that the article had been shipped by the Allen Milling Co., from Wadesboro, N. C., June 13, 1925, and transported from the State of North Carolina into the State of South Carolina, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Sack) "24 Lbs. When Packed" or "Pound Cake Flour 24 Lbs.," as the case might be.

Misbranding of the article was alleged in the libels for the reason that the statements on the labels, "24 Lbs. When Packed," with respect to a portion of the product, and "Flour 24 Lbs.," with respect to the remainder thereof, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On November 10, 1925, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be sold by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13876. Misbranding of canned tomatoes. U. S. v. 571 Cases of Canned Tomatoes. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 20341. I. S. No. 10229-x. S. No. C-5019.)**

On August 11, 1925, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 571 cases of canned tomatoes, remaining in the original unbroken packages at Cleveland, Ohio, alleging that the article had been shipped by Wm. Silver & Co., York, Pa., on or about January 26, 1925, and transported from the State of Pennsylvania into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: (Can) "Satisfactory Brand Tomatoes Wm. Silver & Co. Inc. Distributors Aberdeen, Md. Contents 1 Lb. 3 Oz."

Misbranding of the article was alleged in the libel for the reason that the statement borne on the label "1 Lb. 3 Oz." was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 16, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the cans labeled "Satisfactory Brand" be separated from the remainder and the label corrected to read "Contents 1 Lb.," and the entire lot sold by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13877. Adulteration and misbranding of spring water. U. S. v. 9 Bottles of Williams' Acme Spring Health Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20099. I. S. No. 14261-v. S. No. E-5320.)**

On June 4, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9 five-gallon bottles of Williams' Acme spring health water, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Williams Bros., from Bowers Hill, Va., on or



about May 24, 1925, and transported from the State of Virginia into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Bottle) "Acme Spring Health Water Williams Brothers Norfolk, Va."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, or putrid animal substance.

Misbranding was alleged for the reason that the statement "Health Water," borne on the label, was false and misleading, since the water was polluted.

On September 14, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13878. Misbranding of butter. U. S. v. 18 Boxes, et al., of Butter. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20611. I. S. Nos. 2020-x, 2021-x, 2022-x. S. No. C-4845.)

On or about October 16, 1925, the United States attorney for the Western District of Tennessee, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 62 boxes of butter, at Memphis, Tenn., consigned in various shipments on October 13, 14, and 15, 1925, respectively, alleging that the article had been shipped by the Sardis Creamery Co., from Sardis, Miss., and transported from the State of Mississippi into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended. The article was contained in cartons labeled in part: "One Pound Net Weight." The boxes containing a portion of the product were labeled in part: "From Sardis Creamery Co. \* \* \* Sardis, Mississippi."

Misbranding of the article was alleged in the libel for the reason that the statement "One Pound Net Weight," borne on the labels, was false and misleading and deceived the purchaser, and for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 21, 1925, the Sardis Creamery Co., Sardis, Miss., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,400, in conformity with section 10 of the act, said bond providing that the product be reconditioned under the supervision of an official of the Department of Health of Memphis, Tenn.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13879. Adulteration of cottonseed cake. U. S. v. the Lamar Cotton Oil Co. Plea of nolo contendere. Fine, \$100.** (F. & D. No. 19295. I. S. No. 20636-v.)

On February 5, 1925, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Lamar Cotton Oil Co., a corporation, Paris, Tex., alleging shipment by said company, in violation of the food and drugs act, on or about January 16, 1924, from the State of Texas into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Tag) "100 Lbs. 43% Protein Cotton Seed Cracked Cake Prime Quality, Manufactured by The Lamar Cotton Oil Co. Paris, Texas \* \* \* Crude Protein 43.00% \* \* \* Crude Fibre 12.00%."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it contained 39.17 per cent of protein and 14.15 per cent of crude fiber.

Adulteration of the article was alleged in the information for the reason that a substance containing less than 43 per cent of protein and more than 12 per cent of crude fiber had been substituted for cottonseed cracked cake purporting to contain 43 per cent of protein and not more than 12 per cent of crude fiber. Adulteration was alleged for the further reason that a substance deficient in protein and containing excessive crude fiber had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality



and strength and in that a valuable constituent of the article, to wit, protein, had been in part abstracted.

On October 19, 1925, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13880. Adulteration of canned sardines. U. S. v. 50 Cases of Sardines in Tins. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 18796. I. S. No. 16596-v. S. No. E-4861-A.)

On July 10, 1924, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 50 cases of sardines in tins, at Live Oak, Fla., alleging that the article had been shipped by Peoples, Sealer & Sherman, from Valdosta, Ga., on or about November 5, 1923, and transported from the State of Georgia into the State of Florida, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Holmes Company Maine Sardines \* \* \* Robbinston Maine."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole and in part of a filthy, decomposed, and putrid animal substance.

On August 7, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13881. Adulteration and misbranding of milk chocolate coating. U. S. v. Rice Chocolate Co. Plea of nolo contendere. Fine, \$1.** (F. & D. No. 19657. I. S. Nos. 5694-v, 18612-v, 19920-v.)

On or about July 25, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Rice Chocolate Co., a corporation, Boston, Mass., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about September 19, 1923, and February 19 and June 24, 1924, respectively, from the State of Massachusetts into the State of Minnesota, of quantities of milk chocolate coating which was adulterated and misbranded. The article was labeled in part: (Tag) "From Rice Chocolate Co. Boston, Mass. Material: Clover Milk," (wrapper) "Clover Milk" and "Clover Milk Flavor."

Analysis by the Bureau of Chemistry of this department of samples of the article showed that it was deficient in milk fat and that it had been made from skim milk.

Adulteration of the article was alleged in the information for the reason that skim milk chocolate had been substituted for milk chocolate, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Clover Milk Flavor," and "Clover Milk," as the case might be, borne on the labels, were false and misleading, in that the said statements represented that the article consisted wholly of milk chocolate. and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of milk chocolate, whereas it did not so consist but did consist in whole or in part of skim milk chocolate.

On October 19, 1925, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$1.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13882. Adulteration of tomato puree. U. S. v. Fairdale Canning Co. Plea of guilty. Fine, \$400.** (F. & D. No. 19613. I. S. Nos. 12956-v, 12957-v, 16079-v.)

On August 4, 1925, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Fairdale Canning Co., a corporation, Bridgeton, N. J., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about November 5 and 9, 1923, respectively, from the State of

New Jersey into the State of New York, and on or about December 17, 1923, and February 2, 1924, respectively, from the State of New Jersey into the State of Pennsylvania, of quantities of tomato puree which was adulterated. The article was labeled in part: (Can) "Fairdale Brand Tomato Puree \* \* \* Packed By Fairdale Canning Co. Bridgeton, New Jersey."

Adulteration of the article was alleged in the information for the reason that it consisted in whole and in part of a filthy and decomposed and putrid vegetable substance.

On September 28, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$400.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13883. Adulteration of butter. U. S. v. 49 Tubs of Creamery Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20428. I. S. No. 1916-x. S. No. C-4820.)**

On August 25, 1925, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 49 tubs of creamery butter, remaining unsold in the original packages at Columbus, Ohio, consigned by the Fairmont Creamery Co., Chicago, Ill., July 27, 1925, alleging that the article had been shipped from Chicago, Ill., and transported from the State of Illinois into the State of Ohio, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat and containing an excessive amount of moisture had been substituted for butter, which the said article purported to be, and in that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat.

On September 19, 1925, the Fairmont Creamery Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that it be reworked under the supervision of this department so as to contain not less than 80 per cent of milk fat or butterfat.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13884. Adulteration and misbranding of gray wheat shorts. U. S. v. 180 Sacks of Gray Wheat Shorts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18981. I. S. No. 21353-v. S. No. C-4484.)**

On September 23, 1924, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 180 sacks of gray wheat shorts, remaining in the original unbroken packages at Yazoo City, Miss., alleging that the article had been shipped by the All States Feed Mills; from Memphis, Tenn., on or about August 4, 1924, and transported from the State of Tennessee into the State of Mississippi, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Gray Wheat Shorts with ground wheat screenings not exceeding the mill run \* \* \* Guaranteed by All States Feed Mills, Memphis, Tennessee."

Adulteration of the article was alleged in the libel for the reason that rye middlings had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Gray Wheat Shorts," was false and misleading and deceived and misled the purchaser, in that the product was rye middlings containing a mere trace of wheat tissues. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On November 5, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*



**13885. Adulteration and misbranding of canned tuna fish. U. S. v. 7 Cases of Tuna Fish. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19926. I. S. No. 16486-v. S. No. E-5199.)**

On or about April 2, 1925, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 7 cases of tuna fish, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the M. DeBruyn Importing Co., from New York, N. Y., on or about December 4, 1924, and transported from the State of New York into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Tuna Standard All Light Meat \* \* \* Net Contents 7 Ounces."

Adulteration of the article was alleged in the libel for the reason that a substance, yellowtail, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly and in part for the said article.

Misbranding was alleged for the reason that the statements "Tuna \* \* \* Standard All Light Meat Net Contents 7 Ounces," borne on the label, were false and misleading and deceived and misled the purchaser, for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 7, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13886. Adulteration and misbranding of evaporated apples. U. S. v. 72 Cases of Evaporated Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20023. I. S. No. 16418-v. S. No. E-5300.)**

On April 23, 1925, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 72 cases of evaporated apples, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the Aspegren Fruit Co., from Sodus, N. Y., in various consignments, namely, on or about October 24, November 7, December 5 and 12, 1924, and January 9, 1925, respectively, and transported from the State of New York into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Victor Brand Evaporated Apples Sulphured Packed By The Aspegren Fruit Co. Sodus, N. Y., Contents 6 Oz. Net."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged for the reason that the statement "Contents 6 Oz. Net," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 7, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13887. Adulteration of shell eggs. U. S. v. 10 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20407. I. S. No. 311-x. S. No. W-1770.)**

On August 20, 1925, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 cases of eggs, remaining in the original unbroken packages at Denver, Colo., consigned by Keith Bros., Curtis, Nebr., alleging that the article had been shipped from Curtis, Nebr., on or about August 14, 1925, and transported from the State of Nebraska into the State of Colorado, and charging



adulteration in violation of the food and drugs act. The article was labeled in part: "From Keith Bros. Cecil and Edgar, \* \* \* Curtis, Nebr."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance, to wit, of decomposed and rotten eggs.

On October 29, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13888. Adulteration of shell eggs. U. S. v. Clara J. Berry (Berry's Golden Rule Poultry Farm). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 19000. I. S. No. 18726-v.)**

On December 18, 1924, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Clara J. Berry, trading under the name of Berry's Golden Rule Poultry Farm, Clarinda, Iowa, alleging shipment by said defendant, in violation of the food and drugs act, on or about February 13, 1924, from the State of Iowa into the State of Missouri, of a quantity of shell eggs which were adulterated. The article was labeled in part: "Berry's Golden Rule Poultry Farm, Clarinda, Iowa."

Examination by the Bureau of Chemistry of this department of 720 eggs from the shipment of 4 cases showed 354, or 49.1 per cent, inedible eggs, consisting of black rots, mixed rots, and spot rots, and moldy eggs.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On October 15, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13889. Misbranding of Kolide. U. S. v. 6 Dozen Packages, et al., of Kolide. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 20353, 20354, 20355, 20356. I. S. No. 2113-x. S. Nos. C-5020, C-5021, C-5022, C-5023.)**

On August 24, 1925, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 11½ dozen packages of Kolide, remaining in the original unbroken packages at Cleveland, Ohio, alleging that the article had been shipped by the Kolide Laboratories, New York, N. Y., in various consignments, namely, on or about March 27 and July 6, 20, 22, and 24, 1925, respectively, and transported from the State of New York into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Package) "Kolide is of great benefit in the treatment of diseases which have baffled the medical world. Its marvelous properties are highly recommended for the treatment of Hardening of the Arteries, High Blood Pressure, Goiter, Obesity, Rheumatism, Neuritis, Sciatica, Lumbago, Anemia, Run-Down Condition, etc. \* \* \* When \* \* \* there is a lack of Iodine in the system, a person's health is seriously jeopardized. \* \* \* health and vigor giving element," (circular) "Its vitalizing power. \* \* \* 'Seamen never have arteriosclerosis; high blood pressure or apoplexy on account of breathing Iodine in the sea air. \* \* \* Iodine is the most successful tonic and vital element in the organism. It produces: (1) a sense of well being and comfort, as after inhalation of oxygen; (2) increases skin circulation; (3) stimulates circulatory system, increasing glandular activity and secretion of bile. \* \* \* regulates capillary circulation throughout the system. Lack of Iodine means poor circulation and functional inactivity. \* \* \* the antiseptic action is just as manifest internally as where applied on the skin—hence its influence on all foci of infections, pus pockets and diseases caused by infection, excessive intestinal fermentation, etc.' \* \* \* many serious ailments and complications \* \* \* can be relieved and remedied \* \* \* by the use of Kolide \* \* \* High Blood Pressure And Hardening Of The Arteries (an almost universal ailment of middle life) is caused by the ageing of the arteries, resulting from deposits of lime, which cling to the artery walls from lack of sufficient Iodine

in the system to carry them off. \* \* \* remedy which softens and youthifies the arteries will quickly tone up the entire system. Kolide safely and quickly dispels these lime deposits, and in most cases shows a decided improvement in a week or ten days. \* \* \* Iodine is the only classic and approved treatment for the relief and prevention of Goiter \* \* \* For the treatment and prevention of both toxic and non-toxic Goiter, Kolide has no equal. The action of Kolide in the treatment of Goiter will be noticed first by a general toning up of the system and quick relief from the usual choking sensation, followed by a steady decrease in the size of the Goiter, as the normal supply of Iodine is re-established by Kolide in the thyroid glands. \* \* \* Kolide is highly efficacious for young girls approaching and during initial maturity period. \* \* \* Obesity is unnecessary fat which Kolide will remove without discomfort. No starving, dieting, or exercising is needed, as Kolide reduces by fat-absorption. The action of Kolide will be noticed, first, by a reduction in actual measurement of the fatty parts of the body—as fat, being very light, will not show immediate results in loss of weight, but will in measurement. In extreme cases it is advisable to double the regular dose, \* \* \* Neuritis, Rheumatism, Sciatica, Lumbago & Gout are in a more or less definite way correlated, and respond to a treatment based on the fundamental requirements of the human system at large. Kolide \* \* \* is most efficacious in the treatment of the above mentioned ailments, \* \* \* Kolide is not an experiment; but a definitely proven product, and if used as directed, will bring about results eminently satisfactory. Anemia and General Run-Down Condition: Iodine is \* \* \* one of the best of tonics and, in addition, is a system normalizer. While Kolide will remove unnecessary fat from stout people, it will also build up anyone suffering from anemia or run-down condition, as its action is simply a normalizing of the system. In most instances, where any patient is suffering from any of the ailments mentioned, the beneficial effects of Kolide will be noticed and appreciated by the patient within ten days to two weeks after beginning treatment. A complete treatment in practically any instance should not require more than three months. \* \* \* marked beneficial effects \* \* \* a thorough and complete treatment \* \* \* Positive results are guaranteed or money refunded," (folder) "For High Blood Pressure, Goiter, and Run-Down Condition \* \* \* 'The Fountain of Health' \* \* \* Sure Relief for High Blood Pressure Hardening of the Arteries, Goiter, Run-Down Condition Etc."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it consisted of tablets composed of starch, sugar, gum, and iodine. Each tablet contained approximately  $\frac{1}{2}$  grain of iodine.

Misbranding of the article was alleged in the libels for the reason that the above quoted statements, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On November 11, 1925, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13890. Adulteration and misbranding of nitroglycerin tablets, strychnine sulphate tablets, codeine sulphate tablets, and morphine sulphate tablets. U. S. v. R. J. Strassenburgh Co. Plea of guilty. Fine, \$600. (F. & D. No. 18987. I. S. Nos. 1795-v, 15273-v, 15860-v, 15862-v, 15863-v, 16776-v.)**

On January 6, 1925, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against R. J. Strassenburgh Co., a corporation, Rochester, N. Y., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about October 23, 1923, from the State of New York into the State of New Jersey, of quantities of strychnine sulphate tablets, nitroglycerin tablets, and codeine sulphate tablets, respectively, and on or about October 30 and November 30, 1923, and March 5, 1924, from the State of New York into the State of Massachusetts, of quantities of nitroglycerin tablets, strychnine sulphate tablets, and morphine sulphate tablets, respectively, which were adulterated and misbranded. The articles were labeled in part, respectively: "250 Tablet Triturates \* \* \* Nitroglycerine 1-100 Gr. \* \* \* R. J. Strassenburgh Co. Mfg. Chemists Rochester, N. Y.," "1000 Compressed Tablets \* \* \* Strychnine Sulph. 1-30 Gr. R. J. Strassenburgh Co.," "100



Tablet Triturates No. 57 Codeine Sulphate 1-8 Gr. R. J. Strassenburgh Co.," "1900 Tablet Triturates \* \* \* Morphine Sulph. 1-16 Grain \* \* \* R. J. Strassenburgh Co."

Analysis of samples of the articles by the Bureau of Chemistry of this department showed that: The two samples of nitroglycerin tablets, labeled "1/100 Gr.," contained approximately 0.006 grain of nitroglycerin per tablet; the two samples of strychnine sulphate tablets, labeled "1/30 Gr.," contained approximately 0.027 grain of strychnine sulphate per tablet; the codeine sulphate tablets, labeled "1/8 Gr.," contained approximately 0.10 grain of codeine sulphate per tablet; the morphine sulphate tablets, labeled "1/16 Grain," contained approximately 0.055 grain of morphine sulphate per tablet.

Adulteration of the articles was alleged in substance in the information for the reason that the labels represented the said tablets to contain 1/100 grain of nitroglycerin, 1/30 grain of strychnine sulphate, 1/8 grain of codeine sulphate, or 1/16 grain of morphine sulphate, as the case might be, whereas each of said tablets contained less of the product than represented on the label thereof.

Misbranding was alleged for the reason that the statements, to wit, "Tablet Triturates \* \* \* Nitroglycerine 1-100 Gr.," "Tablets \* \* \* Strychnine Sulph. 1-30 Gr.," "Tablet Triturates \* \* \* Codeine Sulphate 1-8 Gr.," and "Tablet Triturates \* \* \* Morphine Sulph. 1-16 Grain," as the case might be, borne on the labels of the respective products, were false and misleading, in that the said statements represented that each of said tablets contained the amount of the product declared on the label thereof, whereas the said tablets contained less than so declared.

On May 21, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$600.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13891. Misbranding of canned tuna fish. U. S. v. 9 Cases of Tuna Fish. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20312. I. S. Nos. 115-x, 116-x. S. No. W-1758.)**

On August 3, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9 cases of tuna fish, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Italian Food Products Co., Inc., from Wilmington, Calif., October 1, 1923, and transported from the State of California into the State of Washington, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Merlino Tonno Tuna Fish \* \* \* Net Weight 16 Oz. Packed By Italian Food Products Co., Inc. Long Beach, Calif., U. S. A."

Misbranding of the article was alleged in the libel for the reason that the statement "Net Weight 16 Oz.," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 31, 1925, the Italian Food Products Co., Long Beach, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$150, or the deposit of certified check in like amount in lieu thereof, conditioned in part that the product be relabeled under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13892. Adulteration of spring water. U. S. v. 9 7-12 Cases of Seawright Natural Spring Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20429. I. S. No. 4921-x. S. No. E-5403.)**

On or about September 15, 1925, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9½ cases of Seawright natural spring water, remaining



in the original unbroken packages at Baltimore, Md., consigned about August 1, 1925, alleging that the article had been shipped by the Seawright Mineral Springs, Inc., from Staunton, Va., and transported from the State of Virginia into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Natural Spring Water \* \* \* Seawright Trade Mark \* \* \* Seawright Mineral Springs Inc., Staunton, Virginia."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On October 28, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13893. Adulteration and misbranding of canned tomatoes. U. S. v. 650 Cases of Canned Tomatoes. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20268. I. S. No. 14229-v. S. No. E-5435.)**

On July 25, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 650 cases of canned tomatoes, remaining in the original unbroken packages at Haverhill, Mass., alleging that the article had been shipped by the Davis Canning Co., from Laurel, Del., October 3, 1924, and transported from the State of Delaware into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Dee Bee Brand Tomatoes \* \* \* Quality First Packed By Davis Canning Co. Laurel, Del."

Adulteration of the article was alleged in the libel for the reason that a substance, added water, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement "Quality First \* \* \* Tomatoes," together with the cut of a ripe red tomato, borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On October 9, 1925, the Davis Canning Co., Laurel, Del., having appeared as claimant for the property and having filed a satisfactory bond, in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13894. Adulteration of butter. U. S. v. 10 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20273. I. S. No. 5302-x. S. No. E-5371.)**

On or about July 9, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned about June 29, 1925, alleging that the article had been shipped by the Starksboro Creamery Co., Bristol, Vt., and transported from the State of Vermont into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed with and substituted wholly or in part for the said article, and in that a valuable constituent thereof, to wit, butterfat, had been wholly or in part abstracted.

On July 21, 1925, the Starksboro Cooperative Creamery, Starksboro, Vt., having appeared as claimant for the property and having filed a satisfactory bond, in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13895. Adulteration and misbranding of canned clams. U. S. v. 24 Cases, et al., of Canned Clams. Decree of condemnation and forfeiture. Product released upon deposit of collateral.** (F. & D. Nos. 20246, 20314, 20315, 20343. I. S. Nos. 5203-x, 5231-x, 5232-x, 5233-x, 5417-x. S. Nos. E-5428, E-5448, E-5449, E-5459.)

On July 17 and August 10 and 13, 1925, respectively, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 111½ cases of canned clams, remaining in the original unbroken packages in various lots at New Bedford, Worcester, and Boston, Mass., respectively, alleging that the article had been shipped by Hinkley, Stevens & Co., from Columbia Falls, Me., in various consignments, between the dates of May 9 and June 20, 1925, and transported from the State of Maine into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Clams Contents 5 Oz."

Adulteration of the article was alleged in the libels for the reason that a substance, excessive brine, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statements "Clams Contents 5 Oz," borne on the labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 29, 1925, the cases having been consolidated into one cause of action and Hinkley, Stevens & Co., West Jonesport, Me., having appeared as claimant for the property and having deposited \$1,000, in lieu of bond, to insure compliance with the terms of the decree, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13896. Adulteration of shell eggs. U. S. v. 5 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20333. I. S. No. 4205-x. S. No. C-4782.)

On July 6, 1925, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 5 cases of eggs, at Fort Smith, Ark., alleging that the article had been shipped by Welton & Co., from Hodgen, Okla., on or about July 1, 1925, and transported from the State of Oklahoma into the State of Arkansas, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a very large part of the said eggs were filthy, decomposed and putrid.

On September 24, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13897. Adulteration of water. U. S. v. 290 Cases, et al., of Crazy Water. Decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20288. I. S. Nos. 2435-x to 2438-x, incl. S. No. C-4790.)

On or about July 31, 1925, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 313½ cases of water, at Oklahoma City, Okla., alleging that the article had been shipped by the Crazy Well Water Co., from Mineral Wells, Tex., on or about July 5, 1925, and transported from the State of Texas into the State of Oklahoma, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Crazy" (or "Natural Gibson Well Water") "The Crazy Well Water Company, Mineral Wells, Texas."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.



On October 31, 1925, the Crazy Well Water Co., Mineral Wells, Tex., having appeared and confessed the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13898. Adulteration of canned salmon. U. S. v. Alaska Year Round Canneries Co., Inc., and Cook Inlet Packing Co. Pleas of guilty. Fines, \$100. (F. & D. No. 19351. I. S. Nos. 7766-v, 7771-v, 7772-v.)**

On March 14, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Alaska Year Round Canneries Co., Inc., and the Cook Inlet Packing Co., corporations, trading at Seattle, Wash., alleging shipment by said companies, in violation of the food and drugs act, on or about July 29, 1924, from the Territory of Alaska into the State of Washington, of a quantity of canned salmon which was adulterated.

Examination by the Bureau of Chemistry of this department of 180 cans of the article showed that 54 cans, or 30 per cent, contained decomposed salmon.

Adulteration of the article was alleged in the information for the reason that it consisted in whole and in part of a filthy and decomposed and putrid animal substance.

On April 13, 1925, a plea of guilty to the information was entered on behalf of the Alaska Year Round Cannery Co., and on October 21, 1925, a plea of guilty was entered on behalf of the Cook Inlet Packing Co. A fine of \$50 was imposed against each defendant.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13899. Adulteration and misbranding of vanilla extract. U. S. v. 16 Dozen Bottles of Vanilla Extract. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20148. I. S. No. 14274-v. S. No. E-5359.)**

On June 29, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 16 dozen bottles of vanilla extract, remaining in the original unbroken packages at Fall River, Mass., alleging that the article had been shipped by the Fulton Mfg. Co., from New York, N. Y., March 27, 1925, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton and bottle) "Fulton Brand Pure Vanilla Extract Purity And Quality Fulton Manufacturing Co. New York Contents 6 Drams."

Adulteration of the article was alleged in the libel for the reason that a substance, a colored substandard vanilla extract, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article, and for the further reason that it had been colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statements "Pure Vanilla Extract Contents 6 Drams Purity And Quality," borne on the labels, were false and misleading and deceived and misled the purchaser, for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, and for the further reason that it was offered for sale under the distinctive name of another article.

On September 14, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13900. Adulteration and misbranding of raspberry preserves. U. S. v. 199 Cases of Raspberry Preserves. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20418. I. S. Nos. 1451-x, 1452-x, 1454-x. S. No. C-4797.)**

On September 5, 1925, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the

seizure and condemnation of 199 cases of raspberry preserves, at Sioux City, Iowa, alleging that the article had been shipped by the Eigelberner Food Products Co., from Chicago, Ill., in part May 12, 1925, and in part July 9, 1925, and transported from the State of Illinois into the State of Iowa, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Jar) "Pure Raspberry Preserves 50% Fruit, 50% Sugar."

Adulteration of the article was alleged in substance in the libel for the reason that a substance deficient in fruit and containing excessive sugar and added acid, with respect to a portion of the product, a substance containing excessive sugar, added acid, and loganberry fruit, with respect to a second portion of the product, and a substance with added acid, with respect to the remainder of the said product, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement on the labels "Pure Raspberry Preserves 50% Fruit, 50% Sugar" was false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, in that it was not pure raspberry preserves.

On October 31, 1925, the Eigelberner Food Products Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be properly relabeled.

C. F. MARVIN, *Acting Secretary of Agriculture.*



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## United States Department of Agriculture

## SERVICE AND REGULATORY ANNOUNCEMENTS

## BUREAU OF CHEMISTRY

## SUPPLEMENT

N. J. 13901-13950

[Approved by the Acting Secretary of Agriculture, Washington, D. C., March 19, 1926]

## NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

**13901. Adulteration of canned cherries. U. S. v. 22 Cases of Cherries. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20492. I. S. No. 926-x. S. No. W-1796.)

On or about October 9, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 22 cases of cherries, remaining in the original unbroken packages at Puyallup, Wash., alleging that the article had been shipped by Hunt Bros. Packing Co., from Salem, Oreg., September 2, 1925, and transported from the State of Oregon into the State of Washington, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On October 31, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13902. Adulteration and misbranding of evaporated apples. U. S. v. 37 Boxes of Evaporated Apples. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20021. I. S. No. 21845-v. S. No. C-4717.)

On April 20, 1925, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 37 boxes of evaporated apples, at Pikeville, Ky., alleging that the article had been shipped by E. B. Holton, Webster, N. Y., on or about December 20, 1924, and transported from the State of New York into the State of Kentucky, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "25 Lbs. Evaporated Apples Choice Daisy Brand Ring Packed By E. B. Holton, Webster, N. Y."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive moisture, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Evaporated Apples," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article, to wit, evaporated apples.

On October 19, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*



**13903. Adulteration and misbranding of canned tuna fish. U. S. v. 25 Cases of Tuna Fish. Default decree of condemnation, forfeiture, and destruction.** (F. & D. Nos. 19974, 19975. I. S. Nos. 14748-v, 14749-v. S. No. C-4704.)

On April 6, 1925, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 25 cases of tuna fish, at Lexington, Ky., alleging that the article had been shipped by the M. DeBruyn Importing Co., New York, N. Y., in two consignments, namely, on or about December 24, 1924, and February 18, 1925, respectively, and transported from the State of New York into the State of Kentucky, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Selected Quality \* \* \* Juanita Brand California Tuna Standard All Light Meat."

Adulteration of the article was alleged in the libel for the reason that the meat from yellowtail fish had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for tuna fish in such manner that its inferiority was concealed.

Misbranding was alleged for the reason that the statement on the label, "Selected Quality Net Contents 7 Ounces Juanita Brand California Tuna Standard All Light Meat," was false and misleading and deceived the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article, to wit, tuna fish.

On October 19, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13904. Adulteration of canned blackberries. U. S. v. 50 Cases of Canned Blackberries. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20632. I. S. No. 262-x. S. No. E-5579.)

On November 20, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 50 cases of canned blackberries, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Hunt Bros. Packing Co., from San Francisco, Calif., on or about October 12, 1925, and transported from the State of California into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Premio Brand Blackberries \* \* \* Packed By Hunt Brothers Packing Co. San Francisco, California, U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On December 8, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13905. Adulteration of shelled chestnuts. U. S. v. 108 Bags of Shelled Chestnuts. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20552. I. S. No. 8054-x. S. No. E-5536.)

On November 5, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 108 bags of shelled chestnuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Musolino & Berger, from Boston, Mass., on or about February 2, 1925, and transported from the State of Massachusetts into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On November 24, 1925, Thomas Pipitone, New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a

decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$800, in conformity with section 10 of the act, conditioned in part that the good portion be separated from the bad portion and the latter destroyed or denatured.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13906. Adulteration of shelled pecans. U. S. v. 2 Barrels of Pecan Halves. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20563. I. S. No. 7097-x. S. No. E-5540.)**

On November 9, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 2 barrels of pecan halves, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the San Antonio Pecan Shelling Co., from San Antonio, Tex., April 30, 1924, and transported from the State of Texas into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On November 23, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13907. Misbranding of cottonseed meal. U. S. v. 80 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19924. I. S. No. 19852-v. S. No. C-4686.)**

On March 27, 1925, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 80 sacks of cottonseed meal, remaining unsold in the original packages at Sunbury, Ohio, consigned January 5, 1925, alleging that the article had been shipped by the Dixie Cotton Oil Mill, from Little Rock, Ark., and transported from the State of Arkansas into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Cottonseed Meal \* \* \* Protein 43.00%."

Misbranding of the article was alleged in the libel for the reason that the statement, "Protein 43.00%," borne on the labels, was false and misleading and deceived and misled the purchaser.

On November 23, 1925, the Condit Farmers' Co-operative Co., Centerburg, Ohio, having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, said decree providing further that the product be relabeled to the satisfaction of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13908. Adulteration of rice. U. S. v. 417 Bags of Rice. Decree entered, ordering product released under bond. (F. & D. No. 20469. I. S. No. 4813-x. S. No. E-5511.)**

On or about October 8, 1925, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 417 bags of rice, at San Juan, P. R., alleging that the article had been shipped by the Simons Rice Mill, Crowley, La., on or about December 19, 1924, and transported from the State of Louisiana into the Territory of Porto Rico, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.



On October 16, 1925, F. Carrera & Hno., San Juan, P. R., having appeared as claimant for the property and having admitted the allegations of the libel, a decree was entered, ordering that the product be released to the said claimant upon the execution of a bond in the sum of \$3,000, conditioned in part that it be submitted to a cleaning process, and that its subsequent sale for human consumption be permitted only after inspection and approval by a representative of this department, otherwise that it be destroyed. The said bond was further conditioned upon payment of the costs of the proceedings by the said claimant.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13909. Adulteration of cocoa. U. S. v. 24 Cases of Cocoa. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20470. I. S. No. 7034-x. S. No. E-5510.)**

On or about October 22, 1925, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 24 cases of cocoa, at Jersey City, N. J., alleging that the article had been shipped by W. H. Baker, Inc., Red Hook, N. Y., on or about August 11, 1925, and transported from the State of New York into the State of New Jersey, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "W. H. Baker Best Cocoa \* \* \* Winchester, Va. Factory Red Hook, N. Y."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On November 25, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13910. Misbranding of butter. U. S. v. 6 Boxes of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20685. I. S. No. 5360-x. S. No. E-5571.)**

On or about November 7, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 6 boxes of butter, remaining in the original unbroken packages at Boston, Mass., consigned about November 2, 1925, alleging that the article had been shipped by the Green Mountain Creamery, Hardwick, Vt., and transported from the State of Vermont into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended. The article was contained in cartons labeled in part: "Contents 1 Lb. Net," and each carton contained two prints labeled: "This Package Contains Eight Ounces Of Butter."

It was alleged in substance in the libel that the article was misbranded, in that the statement of the net weight of the contents of the said cartons was incorrect, and in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On November 19, 1925, Williams & Root, Craftsbury, Vt., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13911. Adulteration and misbranding of olive oil. U. S. v. 20 ½-Gallon Cans and 17 1-Gallon Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20569. I. S. Nos. 6085-x, 6086-x. S. No. E-5547.)**

On November 9, 1925, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 half-gallon cans and 17 gallon cans of olive oil, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Pace & Sons, Providence, R. I., alleging that the article had been shipped from Providence, R. I., on or about August 7, 1925, and transported from the State of Rhode Island into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the labels on the cans containing the article bore the following statements: "Pure Italian Olive Oil Cav. Rocco Pace & Figli Ortona a Mare (Italy) Contents One Half Gallon" (or "Contents One Gallon"), (Italian) "This Oil is Our Own Production And Is Guaranteed To Be Pure Under Any Chemical Analysis \* \* \* For \* \* \* Medicinal Use," which said statements were false and misleading. Misbranding was alleged with respect to the 17 gallon cans of the product for the further reason that the cans did not contain 1 full gallon.

On November 30, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture*

**13912. Adulteration of pecan nuts. U. S. v. 7 Barrels of Pecan Nuts. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20566. I. S. No. 8053-x. S. No. E-5535.)

On November 9, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 7 barrels of pecan nuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by M. Rom & Sons, from Pittsburgh, Pa., on or about October 20, 1924, and transported from the State of Pennsylvania into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On November 24, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13913. Adulteration of canned salmon. U. S. v. 444 Cases of Salmon. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 19016. I. S. Nos. 6257-v, 9793-v, 9794-v. S. No. C-4496.)

On September 25, 1924, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 444 cases of salmon, remaining in the original unbroken packages at Mexia, Tex., alleging that the article had been shipped by Beard & Rogers, from Hammond, Oreg., February 26, 1924, and transported from the State of Oregon into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Bay City Brand Salmon \* \* \* Bay City Brand Chum Salmon Packed By Beard & Rogers Bay City, Oregon."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed, filthy, and putrid animal substance.

On November 13, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13914. Adulteration of chestnuts. U. S. v. 33 Kegs of Chestnuts. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20558. I. S. No. 7044-x. S. No. E-5546.)

On November 5, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 33 kegs of chestnuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Carlo Cavargna Fu Zaverio, from Busselino, Italy, November 28, 1924, and transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.



On November 24, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13915. Adulteration of chestnuts. U. S. v. 35 Barrels of Chestnuts. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20595 I. S. No. 8077-x. S. No. E-5566.)

On November 12, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 35 barrels of chestnuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by C. Cavargna Fu Zaverio, from Turin, Italy, on or about December 31, 1924, and transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On November 27, 1925, Loew and Mancini, Inc., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned in part that it be sorted under the supervision of this department, the bad portion destroyed, and the good portion released.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13916. Adulteration and misbranding of strychnine nitrate tablets, codeine sulphate tablets, quinine sulphate tablets, and morphine sulphate tablets. U. S. v. Webster-Warnock Chemical Co. Plea of guilty. Fine, \$35 and costs.** (F. & D. No. 18994. I. S. Nos. 3804-v, 3806-v, 4729-v, 4732-v, 5611-v, 5612-v, 5613-v.)

On October 20, 1924, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Webster-Warnock Chemical Co., a corporation, Memphis, Tenn., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about July 14, 1923, from the State of Tennessee into the State of Illinois, of quantities of strychnine nitrate tablets and codeine sulphate tablets, respectively, on or about September 28, 1923, from the State of Tennessee into the State of Minnesota, of quantities of quinine sulphate tablets, codeine sulphate tablets, and morphine sulphate tablets, respectively, and on or about October 8, 1923, from the State of Tennessee into the State of Ohio, of quantities of morphine sulphate tablets and strychnine nitrate tablets, respectively, which were adulterated and misbranded. The articles were labeled in part: "Webster-Warnock Laboratory, Memphis, U. S. A." or "Webster-Warnock Chemical Co."

Analysis by the Bureau of Chemistry of this department of samples of the articles showed that: The strychnine nitrate tablets, labeled 1/40 gr., contained 1/46 grain of strychnine nitrate each; the codeine sulphate tablets, labeled 1/2 gr., contained 2/3 grain of codeine sulphate each; the morphine sulphate tablets, labeled 1/8 gr., contained 1/9 grain of morphine sulphate each; the strychnine nitrate tablets, labeled 1/60 gr., contained 1/74 grain of strychnine nitrate each; the quinine sulphate tablets, labeled 2 Grains, contained 1 5/8 grains of quinine sulphate each, and the morphine sulphate tablets, labeled 1/2 gr., contained 9/20 grain of morphine sulphate each.

Adulteration of the articles was alleged in substance in the information for the reason that their strength and purity fell below the professed standard and quality under which they were sold, in that the labels represented the said tablets to contain 1/40 grain of strychnine nitrate, 1/2 grain of codeine sulphate, 2 grains of quinine sulphate, 1/2 grain of morphine sulphate, 1/8 grain of morphine sulphate, or 1/60 grain of strychnine nitrate, as the case might be, whereas each of said tablets contained less of the product than represented on the label thereof.

Misbranding was alleged for the reason that the statements, to wit, "500 Soluble Hypodermic Tablets Strychnine Nitrate 1-40 gr.," "200 Soluble Hypo-

dermic Tablets Codeine Sulphate  $\frac{1}{2}$  gr.," "500 Compressed Tablets Quinine Sulphate 2 Grains \* \* \* Guaranteed under the Food and Drugs Act, June 30th, 1906. Serial Number 14574," "400 Soluble Hypodermic Tablets Codeine Sulphate 1-2 gr.," "100 Soluble Hypodermic Tablets Morphine Sulphate 1-2 gr.," "Soluble Hypodermic Tablets Morphine Sulphate 1-8 gr.," and "Soluble Hypodermic Tablets Strychnine Nitrate 1-60 gr.," as the case might be, borne on the labels of the respective products, were false and misleading, in that the said statements represented that each of said tablets contained the amount of the product declared on the label thereof and that the quinine tablets conformed to the food and drugs act of June 30, 1906, whereas the said tablets contained less than declared on the label thereof, and the quinine tablets did not conform to the food and drugs act of June 30, 1906.

On November 23, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and on December 31, 1925, the court imposed a fine of \$35 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13917. Adulteration and misbranding of strychnine sulphate tablets, caffeine tablets, heroin hydrochloride tablets, atropine sulphate tablets, and diacetylmorphine hydrochloride tablets.** U. S. v. George M. Beringer, Inc. Plea of non vult. Fine, \$350. (F. & D. No. 19643. I. S. Nos. 2173-v, 2174-v, 12565-v, 12566-v, 12569-v, 16244-v, 16245-v.)

On August 4, 1925, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George M. Beringer, Inc., a corporation, Camden, N. J., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about January 25, 1924, from the State of New Jersey into the State of New York, of quantities of strychnine sulphate tablets and caffeine tablets, respectively, on or about January 25, 1924, from the State of New Jersey into the State of Maryland, of quantities of heroin hydrochloride tablets, caffeine tablets, and atropine sulphate tablets, respectively, and on or about November 12, 1924, from the State of New Jersey into the State of Pennsylvania, of quantities of caffeine tablets and diacetylmorphine hydrochloride tablets, respectively, all of which were adulterated and misbranded. The articles were labeled in part: "George M. Beringer," "George M. Beringer, Camden, N. J.," or "George M. Beringer Inc., Manf'g Pharmacists Camden, N. J."

Analysis by the Bureau of Chemistry of this department of samples of the articles showed that: The strychnine sulphate tablets, labeled 1/50 gr., contained 1/75 grain of strychnine sulphate each; the caffeine tablets, labeled 1/2 gr., contained 3/7 grain of caffeine each; the heroin hydrochloride tablets, labeled 1/24 gr., contained 1/48 grain of heroin hydrochloride each; the atropine sulphate tablets, labeled 1/100 gr., contained 1/124 grain of atropine sulphate each; and the diacetylmorphine hydrochloride tablets, labeled 1/24 gr., contained 1/46 grain of diacetylmorphine hydrochloride each.

Adulteration of the articles was alleged in substance in the information for the reason that their strength and purity fell below the professed standard and quality under which they were sold, in that the labels represented the said tablets to contain 1/50 grain of strychnine sulphate, 1/2 grain of caffeine, 1/24 grain of heroin hydrochloride, 1/100 grain of atropine sulphate, or 1/24 grain of diacetylmorphine hydrochloride, as the case might be, whereas each of said tablets contained less of the product than represented on the label thereof.

Misbranding was alleged in substance for the reason that the statements, "Tablet \* \* \* Strychnine Sulphate 1-50 gr.," "Tablet \* \* \* Caffeine 1/2 gr.," "Tablet \* \* \* Heroin Hcl 1-24 gr.," "Tablets \* \* \* Atropine Sulphate, 1-100 gr.," and "Tablet \* \* \* Diacetyl Morphine Hcl 1/24 gr.," as the case might be, borne on the labels of the respective products, were false and misleading, in that the said statements represented that each of said tablets contained the amount of the product declared on the label thereof, whereas the said tablets contained less than so declared.

On October 26, 1925, a plea of non vult to the information was entered on behalf of the defendant company, and the court imposed a fine of \$350.

R. W. DUNLAP, *Acting Secretary of Agriculture.*



**13918. Misbranding of olive oil. U. S. v. 24 One-Gallon Cans, et al., of Olive Oil. Decrees of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20111, 20178. I. S. Nos. 24522-v, 24523-v, 24966-v, 24967-v. S. Nos. E-5313, E-5330.)

On May 25 and June 10, 1925, respectively, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 72 gallon cans, 48 half-gallon cans, and 44 quart cans of olive oil, remaining in the original unbroken packages at Bridgeport, Conn., alleging that the article had been shipped by A. Gash, New York, N. Y., in part on or about March 30, 1925, and in part on or about May 19, 1925, and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Italian Product Virgin Olive Oil Agash Brand Italy Net Contents One Full Gallon" (or "Net Contents One Half Gallon" or "Net Contents One Full Quart").

Misbranding of the article was alleged in substance in the libels for the reason that the labels on the said cans bore the following statements, "Net Contents One Full Gallon," "Net Contents One Half Gallon," and "Net Contents One Full Quart," as the case might be, which statements were intended to be of such a character as to induce the purchaser to believe that the said cans contained the amount of the product declared on the label thereof, whereas, in truth and in fact, they did not. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 13, 1925, Abraham Gash, New York, N. Y., having appeared as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$600, in conformity with section 10 of the act, conditioned in part that the shortage in volume be corrected by recanning or relabeling the product to the satisfaction of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13919. Adulteration of chestnuts. U. S. v. 17 Bags of Chestnuts. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20551. I. S. No. 7179-x. S. No. E-5529.)

On November 5, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 17 bags of chestnuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article has been shipped by Gioachino Massia, from Canea, Italy, December 14, 1924, and transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On November 24, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13920. Adulteration and misbranding of olive oil. U. S. v. 12 One-Gallon Cans, et al., of Olive Oil. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20068. I. S. Nos. 24507-v, 24508-v, 24509-v. S. No. E-5307.)

On May 18, 1925, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 12 gallon cans, 9 quart cans, and 6 half-gallon cans of olive oil, remaining in the original unbroken packages at Bristol, Conn., consigned in interstate commerce from the State of Rhode Island into the State of Connecticut, alleging that the article had been shipped by Pace & Sons, of Providence, R. I., into the State of Connecticut, in part on or about February 6, 1925, and in part on or about April 7, 1925, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part:

(Can) "Pure Italian Olive Oil Cav. Rocco Pace & Figli Ortona a Mare (Italy) Contents One Full Gallon" (or "Contents One Quart" or "Contents One Half Gallon") "Products Of Italy This Oil Is Our Own Production And Is Guaranteed To Be Pure Under Any Chemical Analysis. \* \* \* For \* \* \* Medicinal Use."

Adulteration was alleged in the libel with respect to the quart and half gallon size cans of the article for the reason that cottonseed oil had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged with respect to the said portion of the product for the reason that the cans containing the article bore the following statements: "Pure Italian Olive Oil Cav. Rocco Pace & Figli Ortona a Mare (Italy) Products of Italy "This Oil Is Our Own Production And Is Guaranteed To Be Pure Under Any Chemical Analysis. \* \* \* For \* \* \* Medicinal Use," which statements were intended to induce the purchaser to believe that the article was a foreign product and pure olive oil, when, in truth and in fact, it was not. Misbranding of the said portion was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article and for the further reason that it purported to be a foreign product when not so.

Misbranding was alleged with respect to the gallon size cans of the product for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 5, 1925, Pace & Sons, Providence, R. I., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13921. Adulteration of chestnuts. U. S. v. 35 Bags and 108 Bags of Chestnuts. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. 20561. I. S. Nos. 7904-x, 7905-x. S. No. E-5542.)**

On November 5, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 143 bags of chestnuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Andrea De Stefano, from Monteforte Irpino (Avellino), Italy, January 7, 1925, and transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On November 10, 1925, Silvestro De Falca, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be sorted under the supervision of this department, the bad portion destroyed or denatured, and the good portion released.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13922. Adulteration and misbranding of canned oysters. U. S. v. 124 Dozen Cans, et al. of Oysters. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 20249, 20250, 20332. I. S. Nos. 23182-v, 24628-v, 2430-x, 2521-x. S. Nos. C-4769, C-4779, C-4803.)**

On July 16 and 17 and August 10, 1925, respectively, the United States attorney for the District of Kansas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,006 cases and 124 dozen cans of oysters, remaining in the original unbroken packages in various lots



at Winfield, Arkansas City, and Salina, Kansas, respectively, alleging that the article had been shipped by the C. B. Foster Packing Co., from Biloxi, Miss., in various consignments, namely, on or about January 8 and 9 and March 26, 1925, respectively, and transported from the State of Mississippi into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: "Contents 5 Oz. Avd. Oyster Meat." The remainder of the said article was labeled in part: "Riviera Brand Oysters Contents 5 Oz. Packed By C. B. Foster Packing Co. Biloxi, Miss," or "Pedigree Brand Oysters Packed By C. B. Foster Packing Co. Inc. Biloxi, Miss. Contents 5 Oz.," as the case might be.

Adulteration of the article was alleged in the libels for the reason that excessive brine had been mixed and packed therewith so as to injure, lower, and affect its quality, purity, and strength.

Misbranding was alleged for the reason that the statements, "Contents 5 Oz. Avd. Oyster Meat," "Contents 5 Oz.," or "Contents 5 Oz.," as the case might be, borne on the respective labels of the said article, were false and misleading. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 26, 1925, and September 24, 1925, respectively, the C. B. Foster Packing Co., Biloxi, Miss., and McManus-Heryer Brokerage Co., Wichita, Kans., having appeared as claimants for respective portions of the product, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the respective claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,500, in conformity with section 10 of the act, conditioned in part that it be relabeled to show the true contents.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13923. Misbranding and alleged adulteration of vinegar. U. S. v. 35 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15697. I. S. No. 14917-t. S. No. C-3350.)**

On December 6, 1921, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 35 barrels of vinegar, remaining in the original unbroken packages at Pontiac, Mich., alleging that the article had been shipped by the Douglas Packing Co., from Canastota, N. Y., October 24, 1921, and transported from the State of New York into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Douglas Packing Co. Apple Cider Vinegar Made From Selected Apples \* \* \* Rochester, N. Y."

Adulteration of the article was alleged in the libel for the reason that vinegar made from evaporated or dried apple products had been mixed and packed therewith so as to injuriously affect its quality and had been substituted wholly or in part for apple cider vinegar made from selected apples, which the said article purported to be.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, apple cider vinegar made from selected apples. Misbranding was alleged for the further reason that the article was labeled "Apple Cider Vinegar Made From Selected Apples," so as to deceive and mislead purchasers, and for the further reason that the statement "Apple Cider Vinegar Made From Selected Apples," borne on the labels, was false and misleading, in that the product contained barium.

On August 4, 1925, the Douglas Packing Co., Syracuse, N. Y., having appeared as claimant for the property and having consented to the entry of a decree, judgment of the court was entered, finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$225, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13924. Adulteration of walnut meats. U. S. v. 154 Cases of Walnut Meats. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20549. I. S. Nos. 742-x, 9579-x. S. No. W-1802.)**

On November 2, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 154 cases of walnut meats, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Utah Ice & Cold Storage Co., from Salt Lake City, Utah, October 13, 1925, and transported from the State of Utah into the State of California, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On November 28, 1925, the American Trading Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,550, in conformity with section 10 of the act, conditioned in part that it be made to conform with the law under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13925. Adulteration and misbranding of cottonseed cake. U. S. v. Rule-Jayton Cotton Oil Co. Plea of guilty. Fine, \$25. (F. & D. No. 19623. I. S. Nos. 22004-v, 22007-v.)**

On May 25, 1925, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Rule-Jayton Cotton Oil Co., a corporation, Stamford, Tex., alleging shipment by said company, under the name of the Stamford Cotton Oil Mill, in two consignments, namely, on or about April 8 and June 24, 1924, respectively, from the State of Texas into the State of Kansas, of quantities of cottonseed cake which was adulterated and misbranded. The article was labeled in part: "43% Protein Cottonseed Cake (Prime Quality) Manufactured by Stamford Cotton Oil Mill Stamford, Texas. Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent Crude Fat not less than 6.00 Per Cent \* \* \* Crude Fiber not more than 12.00 Per Cent."

Analysis by the Bureau of Chemistry of this department of a sample of the article from each shipment showed that it contained 40.44 per cent and 36.69 per cent, respectively, of protein, and the sample from the shipment of April 8 contained 5.9 per cent of crude fat and 14.68 per cent of crude fiber.

Adulteration of the article was alleged in the information for the reason that a substance deficient in protein, and in the case of the product consigned April 8, 1924, also deficient in fat and containing excessive fiber, had been substituted for the said article.

Misbranding was alleged in substance for the reason that the statements, "43% Protein Cottonseed Cake \* \* \* Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent," with respect to both consignments, and the further statements, "Crude Fat not less than 6.00 Per Cent \* \* \* Crude Fiber not more than 12.00 Per Cent," with respect to the consignment of April 8, 1924, were false and misleading, in that the said statements represented that the article was cottonseed cake containing 43 per cent of protein and that the product consigned April 8, 1924, contained not less than 6 per cent of fat and not more than 12 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was cottonseed cake containing 43 per cent of protein and that the product consigned April 8, 1924, contained not less than 6 per cent of fat and not more than 12 per cent of fiber, whereas the said article contained less than 43 per cent of protein, and the product consigned April 8, 1924, contained less than 6 per cent of fat and more than 12 per cent of fiber.

On October 12, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. W. DUNLAP, *Acting Secretary of Agriculture.*



**13926. Adulteration of canned cherries. U. S. v. 699 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 19559. I. S. No. 15603-v. S. No. E-5121.)

On February 5, 1925, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 699 cases of canned cherries, at Pittsburgh, Pa., alleging that the article had been shipped by the Perfection Mince Meat Co., from Newark, N. Y., on or about December 3, 1924, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Perfection Brand Red Sour Pitted Cherries \* \* \* Packed By Perfection Mince Meat Co., Newark, New York."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On December 10, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13927. Adulteration and misbranding of apples. U. S. v. Ezak Gorel and Aaron Siff. Pleas of guilty. Fine, \$25.** (F. & D. No. 19631. I. S. No. 2476-v.)

On May 8, 1925, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Ezak Gorel and Aaron Siff, formerly copartners, trading as Gorel & Siff, Pittsburgh, Pa., alleging shipment by said defendants, in violation of the food and drugs act, on or about April 16, 1924, from the State of New York into the State of Pennsylvania, of a quantity of apples which were misbranded. The article was labeled in part: "New York Standard A Grade Baldwin Apples Min. Diameter 2½ Inches, Packed By Gorel & Siff, Pittsburgh, Pa."

Adulteration of the article was alleged in the information for the reason that apples of less than 2½ inches minimum diameter and of lower grade than New York Standard A grade Baldwin apples had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and had been substituted for the said article.

Misbranding was alleged for the reason that the statement, to wit, "New York Standard A Grade Baldwin Apples Min. Diameter 2½ Inches," borne on the barrels containing the article, was false and misleading, in that the said statement represented that the article was New York Standard A grade Baldwin apples of a minimum size of not less than 2½ inches in diameter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was New York Standard A grade Baldwin apples of a minimum size of not less than 2½ inches in diameter, whereas it was not but was an inferior article composed of apples of less than 2½ inches minimum diameter and of a lower grade than New York Standard A grade Baldwin apples.

On November 30, 1925, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13928. Adulteration of evaporated apples. U. S. v. 69 Cases of Evaporated Apples. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 19819. I. S. No. 6286-v. S. No. C-4655.)

On February 21, 1925, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 69 cases of evaporated apples, remaining in the original unbroken packages at Hico, Tex., alleging that the article had been shipped by the Lincoln Fruit Co., from Lincoln, Ark., on or about October 4, 1924, and transported from the State of Arkansas into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Evaporated Apples, Packed by Lincoln Fruit Company, Lincoln, Ark."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

On November 11, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13929. Adulteration of tomato pulp. U. S. v. 290 Dozen Cans of Tomato Pulp. Default order of destruction entered. (F. & D. No. 19895. I. S. Nos. 14790-v, 14791-v. S. No. C-4680.)**

On March 13, 1925, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 290 dozen cans of tomato pulp, at Fairmont, Minn., alleging that the article had been shipped by the Cates Canning Co., from Cates, Ind., January 16, 1925, and transported from the State of Indiana into the State of Minnesota, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On October 12, 1925, no claimant having appeared for the property, an order of the court was entered, providing for the destruction of the product by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13930. Misbranding of Kopp's. U. S. v. 7½ Dozen Bottles, et al., of Kopp's. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20482. S. No. E-5507.)**

On or about October 9, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 7½ dozen 4-fluidounce size bottles, 32½ dozen 1½-fluidounce size bottles, and 8 dozen ½-fluidounce size bottles of a drug labeled in part "Kopp's" and manufactured by the Kopp's Baby's Friend Co., successors to Mrs. J. A. Kopp, alleging that the article had been shipped by the Kopp's Baby's Friend Co., from York, Pa., in part on or about December 9, 1924, and in part on or about June 17, 1925, and transported from the State of Pennsylvania into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it was composed essentially of morphine sulphate, alcohol, sugar, and water, flavored with traces of essential oils and colored yellow.

Misbranding of the article was alleged in substance in the libel for the reason that the labeling of the said article contained certain statements regarding the curative and therapeutic effects of the product which were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On December 4, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13931. Adulteration of chestnuts. U. S. v. 35 Kegs of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20594. I. S. No. 7045-x. S. No. E-5548.)**

On November 12, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 35 kegs of chestnuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Carlo Cavargna Fu Zaverio, from Busselino, Italy, on or about November 28, 1924, and transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act.



Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On November 28, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13932. Adulteration of strained tomatoes. U. S. v. 67 Cases and 200 Cases of Strained Tomatoes. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 20622, 20623. I. S. Nos. 7151-x, 7157-x. S. Nos. E-5576, E-5577.)**

On November 17, 1925, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 267 cases of strained tomatoes, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Keough Canning Co., from Glassboro, N. J., in part September 4, 1925, and in part October 10, 1925, and transported from the State of New Jersey into the State of New York, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled: "Blue Coat Brand Strained Tomatoes \* \* \* Packed By Keough Canning Co., Glassboro, N. J."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On December 8, 1925, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13933. Adulteration of pistachio nuts. U. S. v. 20 Cases of Pistachio Nuts. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20570. I. S. No. 7049-x. S. No. E-5534.)**

On November 10, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 cases of pistachio nuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Chas. Balit & Co., from Aleppo, Syria, on or about December 4, 1924, and transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On November 30, 1925, William Herron & Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, in conformity with section 10 of the act, conditioned in part that the good nuts be separated from the bad and the latter destroyed or denatured.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13934. Adulteration of canned salmon. U. S. v. 1,458 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20625. I. S. No. 1052-x. S. No. W-1816.)**

On or about November 17, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,458 cases of canned salmon, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Alaska Packers Assoc., from Alitak, Alaska, on or about October 13, 1925, and transported from the Territory of Alaska into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Case) "A 35 Alaska Red Salmon Karluk Packing Co. Horseshoe Brand Alaska Packers Association."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On December 1, 1925, the Alaska Packers Assoc. having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$8,000, in conformity with section 10 of the act, conditioned in part that the said product be made to conform with the provisions of the law under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13935. Misbranding of strawberries. U. S. v. George Harpole. Plea of guilty. Fine, \$10. (F. & D. No. 16947. I. S. No. 4571-t.)**

On February 20, 1923, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George Harpole, Independence, La., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about April 28, 1922, from the State of Louisiana into the State of Missouri, of a quantity of strawberries in unlabeled crates which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 17, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13936. Adulteration and misbranding of apples. U. S. v. 156- $\frac{5}{8}$  Bushel Baskets, More or Less, of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20686. I. S. Nos. 6123-x, 6125-x. S. No. E-5604.)**

On December 2, 1925, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 156 $\frac{5}{8}$  bushel baskets, more or less, (160 baskets,  $\frac{5}{8}$  bushel each and 60 hampers, 1 bushel each) of apples, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped from Glassboro, N. J., consigned November 30, 1925, and transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libel for the reason that it contained an added poisonous ingredient, arsenic, which rendered it injurious to health.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 21, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13937. Misbranding of Ping Pong sauce. U. S. v. 33 Cases and 24 Cases of Ping Pong Sauce. Default decrees of condemnation and forfeiture. Product delivered to charitable institutions. (F. & D. Nos. 19883, 19884. I. S. No. 21956-v. S. No. C-4674.)**

On March 9, 1925, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 57 cases of Ping Pong sauce, at Memphis, Tenn., alleging that the article had been shipped by the Brooks Tomato Products Co., from St. Louis, Mo., on or about November 21, 1924, and transported from the State of Missouri into the State of Tennessee, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Bottle) "Continental Ping Pong Sauce \* \* \* Use Same As Tomato Catsup On



Steaks, Game, Cold Meats And Sea Food Continental Packing Corp. Collinsville, Ill."

Misbranding of the article was alleged in the libels for the reason that it was an imitation of another article, viz, tomato catsup.

On December 7, 1925, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be delivered to charitable institutions.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13938. Adulteration of canned salmon. U. S. v. J. L. Smiley & Co. Plea of guilty. Fine, \$150. (F. & D. No. 19600. I. S. Nos. 20218-v, 20220-v, 20290-v, 20293-v, 21058-v.)**

On May 15, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against J. L. Smiley & Co., a corporation, organized under the laws of Washington and having a representative in said State, alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about August 11 and 19, 1924, and September 13, 1924, respectively, from the Territory of Alaska into the State of Washington, of quantities of canned salmon which was adulterated.

Examination by the Bureau of Chemistry of this department of a sample of the article from each shipment showed 27.3 per cent, 16 per cent, and 5.8 per cent, respectively, of decomposed salmon.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On June 22, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and on October 19, 1925, the court imposed a fine of \$150.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13939. Adulteration of snap corn. U. S. v. Durant Milling Co. Plea of guilty. Fine, \$50. (F. & D. No. 17692. I. S. No. 6029-v.)**

On January 12, 1924, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Durant Milling Co., a corporation, Durant, Okla., alleging shipment by said company, in violation of the food and drugs act, on or about November 7, 1922, from the State of Oklahoma into the State of Texas, of a quantity of a product billed as snap corn which was adulterated.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed animal and vegetable substance.

On October 14, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13940. Adulteration of shelled pecans. U. S. v. 2 Barrels of Shelled Pecan Halves. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20550. I. S. No. 7906-x. S. No. E-5539.)**

On November 5, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 2 barrels of shelled pecan halves, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Dixie Candy Co., from Atlantic City, N. J., June 8, 1925, and transported from the State of New Jersey into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On November 24, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13941. Adulteration of canned salmon. U. S. v. Alaska Herring & Sardine Co. Plea of guilty. Fine, \$150.** (F. & D. No. 19603. I. S. Nos. 20219-v, 20221-v, 20287-v, 20288-v, 20289-v, 20294-v.)

On May 12, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Alaska Herring & Sardine Co., a corporation, organized under the laws of Washington and having a representative within said State, alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about August 12, 23, and 27, 1924, respectively, from the Territory of Alaska into the State of Washington, of quantities of canned salmon which was adulterated.

Examination by the Bureau of Chemistry of this department of a sample of the article from each shipment showed 21 per cent, 26 per cent, and 16 per cent, respectively, of decomposed salmon.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On June 22, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and on October 19, 1925, the court imposed a fine of \$150.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13942. Adulteration and misbranding of rice bran. U. S. v. 300 Sacks of Rice Bran. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 17221. I. S. No. 8309-v. S. No. W-1306.)

On February 2, 1923, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 300 sacks of rice bran, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by Cathie & Fitch, from San Francisco, Calif., August 20, 1922, and transported from the State of California into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Ground Limestone And Rice Bran For Poultry Feed Only. \* \* \* Crude Protein, Not Less Than 10.00% Crude Fat, Not Less Than 13.00% Fibre, Not More Than 12.62% Ash, (Incl. lime,  $\text{CaCO}_3$ ), Not More Than 30.50%."

Adulteration of the article was alleged in the libel for the reason that a substance containing an excessive amount of mineral matter and deficient in fat and protein had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements, "Protein, Not Less Than 10.00% Crude Fat, Not Less Than 13.00% Fibre, Not More Than 12.62% Ash, (Incl. Lime,  $\text{CaCO}_3$ ), Not More Than 30.50%," borne on the labels, were false and misleading and deceived and misled the purchaser.

On September 3, 1925, W. F. Jahn & Co., Seattle, Wash., claimant, having admitted the allegations of the libel and paid the costs of the proceedings and having executed a bond in the sum of \$750, judgment of condemnation was entered, and it was ordered by the court that the bond be continued to insure that the product be disposed of in accordance with law and the directions of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13943. Misbranding and alleged adulteration of jam. U. S. v. 5 Cases Raspberry Jam, et al. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20432. I. S. Nos. 14581-v, 14582-v, 14583-v. S. No. W-1779.)

On October 6, 1925, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 5 cases of raspberry jam, 25 cases of strawberry jam, and 7 cases of dewberry jam, remaining in the original unbroken packages at Pocatello, Idaho, alleging that the article had been shipped by the Hewlett Bros. Co., Salt Lake City, Utah, on or about April 9, 1925, and transported from the State of Utah into the State of Idaho, and charging misbranding with respect to all of the product and adulteration with respect to a portion thereof, in violation of the food and drugs act. The article was labeled in part: (Case) "Hewlett's Su-



preme Brand \* \* \* Superior Flavored High Grown Fruits. Hewlett Bros. Company, Salt Lake City, Utah," (can) "Hewlett's Supreme Brand Raspberry" (or "Strawberry" or "Dewberry") "And Pectin Jam."

Adulteration of the raspberry jam was alleged in the libel for the reason that a substance, added tartaric acid, had been substituted wholly or in part for raspberry fruit.

Misbranding was alleged for the reason that the above quoted statements and labels borne on the said cases and cans were false and misleading and deceived and misled purchasers thereof, in that the article was deficient in actual fruit substance and contained pectin.

On October 26, 1925, the Skaggs United Stores, Pocatello, Idaho, having appeared as claimant for the property, a decree of the court was entered, adjudging the product to be misbranded and subject to condemnation and forfeiture, and it was ordered by the court that it be released to the said claimant upon the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, said decree further providing that the product be rebranded to show the true fruit content and the pectin content and that the claimant pay the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13944. Misbranding of feeds. U. S. v. 14 Sacks, et al., of Feeds. Decrees of condemnation and forfeiture. Products released under bond.** (F. & D. Nos. 20502, 20503. I. S. Nos. 8658-x to 8664-x, incl. S. Nos. E-5522, E-5523.)

On October 15, 1925, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 528 sacks of feeds, remaining in the original unbroken packages in part at Greenmount, Md., and in part at Lutherville, Md., alleging that the articles had been shipped by the J. J. Badenoeh Co., from Chicago, Ill., in two consignments, namely, July 31 and August 28, 1925, respectively, and transported from the State of Illinois into the State of Maryland, and charging misbranding in violation of the food and drugs act. The articles were labeled in part, variously: (Sack) "Jay Bee Dairy Feed Guaranteed Analysis Protein 24% Fat 4.5% Fibre 9%"; "Milky-Way Dairy Feed Guaranteed Analysis Protein 20% Fat 4% Fibre 12%"; "Sunflower Egg Mash Guaranteed Analysis Protein 20% Fat 4.5% \* \* \* Fibre 8%"; "Egg-A-Day Dry Mash \* \* \* Guaranteed Analysis Protein 20% Fat 4.5% Fibre 7.5%"; "Gloskoat Horse Feed Guaranteed Analysis Protein 10% Fat 2% Fibre 15%," and "Manufactured by J. J. Badenoeh Co. Chicago, Ill."

Misbranding of the articles was alleged in substance in the libels for the reason that the following statements borne on the labels of the respective articles, "Guaranteed Analysis Protein 24% Fat 4.5%," "Guaranteed Analysis Protein 20% Fibre 12%," "Guaranteed Analysis Protein 20%," and "Guaranteed Analysis Protein 10%," were false and misleading and deceived and misled the purchaser.

On October 20, 1925, J. J. Badenoeh Co., Chicago, Ill., having appeared as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$3,150, in conformity with section 10 of the act, conditioned in part that they be relabeled to show their true contents.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13945. Adulteration of canned salmon. U. S. v. 500 Cases of Salmon. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 17294. I. S. No. 6121-v. S. No. C-3903.)

On February 16, 1923, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 500 cases of salmon, at Albany, Ala., alleging that the article had been shipped by Batcheller Hall Co. (G. Batcheller Hall Co.), from Seattle, Wash., about December 9, 1922, and transported from the State of Washington into the State of Alabama, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Cute Boy Brand Pink Salmon."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a decomposed animal substance.

On Septemebr 12, 1925, the Alaska Sanitary Packing Co., Seattle Wash., having appeared as claimant for the property and having admitted the material allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant to be reshipped to Seattle, Wash., upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000. Said decree provided further that the product be salvaged and the decomposed and unfit salmon removed from the good salmon before it be again placed in interstate commerce as food for human consumption.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13946. Adulteration of canned salmon. U. S. v. Pioneer Sea Foods Co. Plea of guilty. Fine, \$50. (F. & D. No. 19626. I. S. No. 7751-v.)**

On May 12, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Pioneer Sea Foods Co., a corporation, organized under the laws of Washington and having a representative within that State, alleging shipment by said company, in violation of the food and drugs act, on or about June 30, 1924, from the Territory of Alaska into the State of Washington, of a quantity of canned salmon which was adulterated.

Examination by the Bureau of Chemistry of this department of a sample of 240 cans of the article showed 74 cans, or 30.8 per cent, of decomposed salmon.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On November 11, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13947. Adulteration of canned salmon. U. S. v. Bellingham Canning Co. Plea of guilty. Fine, \$200. (F. & D. No. 19286. I. S. Nos. 4907-v, 4915-v, 4908-v, 19339-v, 19340-v, 19342-v, 19344-v.)**

On February 18, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Bellingham Canning Co., a corporation, South Bellingham, Wash., alleging shipment by said company, in violation of the food and drugs act, on or about September 13, 1923, from the State of Washington into the State of Louisiana, and reconsignment in four lots into the States of Kentucky and Tennessee, of quantities of canned salmon which was adulterated. A portion of the article was labeled in part: (Can) "Bell-Can Brand \* \* \* Chum Salmon Packed By Bellingham Canning Company So. Bellingham Wash." Another portion was labeled in part: (Can) "Tomah Brand Salmon."

Examination by the Bureau of Chemistry of this department of a sample from each consignment showed 26 per cent, 24 per cent, 22 per cent, and 22 per cent, respectively, of decomposed salmon.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On November 16, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13948. Adulteration of walnuts. U. S. v. 44 Bags of Walnuts in Shell. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20540. I. S. Nos. 7048-x, 7185-x. S. No. E-5531.)**

On November 2, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 44 bags of walnuts in shell, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Rosenberg Bros., from Santa Clara, Calif., on or about November 24, 1924, and transported from the State of California into the State of New York, and charging adulteration in violation of the food and drugs act.



Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On December 1, 1925, Barnett O. Golding, New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,200, in conformity with section 10 of the act, conditioned in part that the bad portion be separated from the good portion and the former destroyed or denatured under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13949. Adulteration of canned sardines. U. S. v. 64 Cases, et al., of Sardines.** Portion of product found not adulterated and ordered released and libels dismissed with respect thereto. Remainder of product condemned and destroyed. (F. & D. Nos. 19156, 19157, 19158, 19160, 19161, 19162, 19163, 19164. I. S. Nos. 9828-v, 9829-v. S. No. W-929.)

On or about November 25 and 26 and December 2 and 3, 1924, respectively, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 255 cases, each containing 10-ounce cans, and 1,125 cases, each containing 3¼-ounce cans, of sardines, remaining in the original unbroken packages in various lots at Salt Lake City, Ogden, and Provo, Utah, respectively, alleging that the article had been shipped by the Holmes Co., from Robbinston, Me., on or about July 26, 1924, and transported from the State of Maine into the State of Utah, and charging adulteration in violation of the food and drugs act. The article was labeled in part, variously: "Holmes Co. Maine Sardines HCO Contents 10 Ozs in Salad Sauce, Mustard, Robbinston, Maine," "Holmes Company Maine Sardines HCO Contents 3¼ Ozs In Salad Oil Cottonseed Robbinston, Maine," and "Holmes St. Croix Brand American Sardines In Cotton Seed Oil Packed At Robbinston, Maine \* \* \* Weight 3¼ Ozs."

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy, decomposed or putrid animal substance.

On June 23, 1925, Holmes & Co., Robbinston, Me., having appeared as claimants for the 1,125 cases containing the 3¼-ounce cans, and the court having found that the product in the said 1,125 cases was not adulterated, decrees were entered, ordering that it be released and the libels dismissed with respect to the said portion of the product. The said decrees found that the product in the 255 cases of 10-ounce cans was adulterated and ordered that it be condemned and destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13950. Adulteration and misbranding of butter. U. S. v. Harry Petersen (Petersen Creamery).** Plea of guilty. Fine, \$52. (F. & D. No. 18104. I. S. No. 11512-v.)

On March 20, 1924, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Harry Petersen, trading as the Petersen Creamery, Salt Lake City, Utah, alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about September 10, 1923, from the State of Utah into the State of Wyoming, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: (Carton) "One Pound Net Weight Fancy Golden Arrow Brand Butter Pasteurized Petersen Creamery Salt Lake City, Utah."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it contained 78.19 per cent of milk fat. Examination by said bureau of 108 packages showed an average net weight of 15.9 ounces.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat and containing excessive moisture had been substituted for butter, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Butter" and "One Pound Net Weight," borne on the packages containing the article, were false and misleading, in that the said statements represented that the

article consisted wholly of butter and that each of the said packages contained 1 pound net weight thereof, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of butter, and that each of the packages contained 1 pound net weight thereof, whereas it did not consist wholly of butter but did consist of a product deficient in milk fat and containing excessive moisture, and each of the said packages did not contain 1 pound net weight of butter but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 19, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$52.

R. W. DUNLAP, *Acting Secretary of Agriculture.*



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## United States Department of Agriculture

### SERVICE AND REGULATORY ANNOUNCEMENTS

#### BUREAU OF CHEMISTRY

#### SUPPLEMENT

N. J. 13951-14000

[Approved by the Acting Secretary of Agriculture, Washington, D. C., May 5, 1926]

#### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

**13951. Adulteration of canned shrimp. U. S. v. 50 Cases, et al., of Canned Shrimp. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 20555, 20556, 20557. I. S. Nos. 6082-x, 6083-x, 6084-x. S. No. E-5544.)

On November 4 and 24 and December 30, 1925, respectively, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,007 cases of canned shrimp, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Houma Packing Co., alleging that the article had been shipped from Houma, La., on or about July 24, 1925, and transported from the State of Louisiana into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Rita Brand Shrimp."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On November 23 and December 14, 1925, and on January 20, 1926, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13952. Adulteration and misbranding of cottonseed oil. U. S. v. 59 Cans of Cottonseed Oil. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 19886. I. S. No. 24032-v. S. No. C-4675.)

On March 10, 1925, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 59 cans of cottonseed oil, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by A. Morici & Co., from Chicago, Ill., on or about February 17, 1925, and transported from the State of Illinois into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Case) "6 Cans 1 Gal. each Rosa Ditalia Cotton-seed Oil, flavored with Olive Oil," (can) "Extra Virgin Sublime Best For Table And Medical Use This Oil Is Guaranteed To Be Pure Under Any Chemical Analysis Contents One Gallon Olio Finissimo Cottonseed Oil Rosa Ditalia Brand. A. Morici & Co Chicago, Ill."



Adulteration of the article was alleged for the reason that a substance, corn oil and cottonseed oil, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "Olio Finissimo Extra Virgin Sublime Best For Table And Medical Use" and "This Oil Is Guaranteed To Be Pure Under Any Chemical Analysis—Contents One Gallon," borne on the cans, were false and misleading and deceived and misled the purchaser, and the statements "Cottonseed Oil," borne on the can in small type, and "Cottonseed Oil Flavored With Olive Oil," borne on the carton containing 6 cans of the product, did not correct the misbranding. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 7, 1925, M. Catalano Co., Milwaukee, Wis., claimant, having admitted the material allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13953. Adulteration and misbranding of tomato sauce. U. S. v. 250 Cases and 34 Cases of Tomato Sauce. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19841. I. S. Nos. 19134-v, 19135-v. S. No. C-4649.)**

On February 26, 1925, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 284 cases of tomato sauce, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by Antonio Morici Co., from Chicago, Ill., on or about November 15, 1924, and transported from the State of Illinois into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: (Case) "Contadina Brand Tomato Sauce. Packed by Hershel California Fruit Products Co. Inc. San Jose, Calif.," (can) "Tomato Sauce \* \* \* Salsa di Pomodoro." The remainder of the said article was labeled in part: (Can) "Contadina Brand Naples Style Tomato Sauce. Packed By Hershel California Fruit Products Company San Jose, Cal."

Adulteration of the article was alleged in the libel for the reason that a substance, an artificially colored tomato paste, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "Tomato Paste [Sauce]" and "Salsa Di Pomodoro," borne on the labels, were false and misleading and deceived and misled the purchaser.

On November 7, 1925, the M. Catalano Co., Milwaukee, Wis., claimant, having admitted the material allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13954. Adulteration and misbranding of meat meal. U. S. v. 60 Bags of Meat Meal. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 20032. I. S. No. 22299-v. S. No. E-5301.)**

On April 23, 1925, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 60 bags of meat meal, remaining in the original unbroken packages at Mount Jackson, Va., alleging that the article had been shipped by the Mutual Rendering Co., Inc., from Philadelphia, Pa., February 17, 1924, and transported from the State of Pennsylvania into the State of Virginia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "100 Lbs. 55 Per Cent Mureco Meat Meal.

Guaranteed Analysis Protein Min. 55% Fat Min. 10% Fibre Max. 2% Phos. Acid Max. 10% Manufactured By Mutual Rendering Co., Philadelphia, Pa."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in protein had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "55 Per Cent Meat Meal Guaranteed Analysis Protein Min. 55%," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On October 26, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13955. Adulteration of water. U. S. v. Virginia Hot Springs Co. Plea of guilty. Fine, \$100.** (F. & D. No. 19606. I. S. No. 16526-v.)

On August 9, 1925, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Virginia Hot Springs Co., a corporation, Hot Springs, Va., alleging shipment by said company, in violation of the food and drugs act, on or about December 4, 1923, from the State of Virginia into the State of Florida, of a quantity of water which was adulterated. The article was labeled in part: "The Healing Springs 'Water' Healing Springs, Bath County, Virginia. Virginia Hot Springs Company Owner \* \* \* Healing Springs, Va."

Examination by the Bureau of Chemistry\* of this Department of a sample of the water showed that it was polluted.

Adulteration of the article was alleged in the information for the reason that it consisted in whole and in part of a filthy and putrid and decomposed animal and vegetable substance.

On October 26, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13956. Adulteration of V. & S. compound. U. S. v. 50 Gallons of V. & S. Compound. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 580-c.)

On August 12, 1920, the United States attorney for the Southern District of Florida, acting at the request of the Secretary of Agriculture of the State of Florida, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 50 gallons of V. & S. compound, at Fort Pierce, Fla., alleging that the article had been shipped from St. Louis, Mo., about June 4, 1920, and transported from the State of Missouri into the State of Florida, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "V. & S. Compound."

Adulteration of the article was alleged in the libel for the reason that another substance, to wit, saccharin, had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article contained saccharin, an added poisonous or deleterious ingredient, which might have rendered it injurious to health.

On November 18, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13957. Misbranding of jelly. U. S. v. 74 Pails of Jelly. Product ordered released under bond.** (F. & D. No. 20330. I. S. No. 6922-x. S. No. E-5471.)

On or about August 18, 1925, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel and on October 8, 1925, an amended libel praying the seizure and condemnation of 74 pails of jelly, remaining in the original unbroken packages at Bridgeport, Conn., alleging that the article had been shipped by the Excelsior Honey Co., Brooklyn, N. Y., on or about August 4, 1925, and transported from the State of



New York into the State of Connecticut, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Metro Brand Corn Syrup Apple Pectin Jelly Composed Of Corn Syrup, Apple Pectin, Phosphoric Acid And Artificial Coloring Net Weight 30 Lbs. Manufactured By Excelsior Honey Co., Brooklyn, New York."

Misbranding of the article was alleged in the libel for the reason that the statement, to wit, "Net Weight 30 Lbs.," was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement was not correct. Misbranding was alleged for the further reason that the article was an imitation of another article and not labeled as such.

On November 16, 1925, the Excelsior Honey Co., Brooklyn, N. Y., having admitted the allegations of the libel and having prayed release of the product under bond, judgment of the court was entered, ordering that the product be released to the claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13958. Adulteration of canned sardines. U. S. v. 858 Cases of Canned Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20419. I. S. No. 3912-x. S. No. C-5024.)**

On or about September 15, 1925, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 858 cases of canned sardines, at Lafayette or Lake Charles, La., alleging that the article had been shipped by the Maine Cooperative Sardine Co., from New York, N. Y., on or about August 12, 1925, and transported from the State of New York into the State of Louisiana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Banquet Brand American Sardines In Cottonseed Oil, Packed At Eastport, Washington Co., Me. By L. D. Clark & Son."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On December 7, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13959. Misbranding of cottonseed cake and meal. U. S. v. 50 Sacks of Cottonseed Cake and 185 Cases (Sacks) of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20658. I. S. Nos. 341-x, 342-x. S. No. W-1821.)**

On November 27, 1925, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 50 sacks of cottonseed cake and 185 sacks of cottonseed meal, remaining in the original unbroken packages at Denver, Colo., alleging that the article had been shipped from Sherman, Tex., on or about September 22, 1925, and transported from the State of Texas into the State of Colorado, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Chickasha Cotton Oil Co. Chickasha, Okla. \* \* \* Manufacturers Of Cotton Seed Products \* \* \* Prime Cottonseed Cake or Meal \* \* \* Guaranteed Analysis: Protein not less than 43 per cent."

Misbranding of the article was alleged in the libel for the reason that the statement "Protein not less than 43 per cent," borne on the label, was false and misleading and deceived and misled the purchaser, in that the product did not contain 43 per cent of protein.

On December 11, 1925, the Grayco Milling Co., Sherman, Tex., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$400, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13960. Misbranding of D-O-D specific. U. S. v. 9 Boxes of D-O-D Specific. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20347. I. S. No. 6009-x. S. No. E-5206.)**

On or about August 20, 1925, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9 boxes of D-O-D specific, remaining in the original unbroken packages at Mount Carmel, Pa., alleging that the article had been shipped by the C. Nelson Smith Co., Milwaukee, Wis., on or about February 9, 1925, and transported from the State of Wisconsin into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this Department of a sample of the article showed that it consisted of a mixture of soda, potassium, permanganate, and traces of charcoal and Epsom salt. In a dilution of  $\frac{1}{2}$  teaspoonful to 1 gallon it failed to kill the germs of typhoid fever in two hours.

Misbranding of the article was alleged in the libel for the reason that the following statements regarding the curative and therapeutic effects of the said article, borne on the label and accompanying folder, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Box label) "For Diphtheria, sore throat, stomach and bowel troubles \* \* \* Gangrene \* \* \* Barber's itch \* \* \* cholera morbus, colic \* \* \* sores, eczema, hives, rashes, and other skin diseases \* \* \* See folder for directions," (folder) "D-O-D The Human Cleanser \* \* \* Good Health is natural but we indulge in Excesses which affect us and often our children. We do not live according to nature's laws, consequently poisonous bacteria develop and cause many diseases. If nature itself does not expel them and the Dead Tissue which they cause, Help must come from some other source. D-O-D by actual use has proven to be a help in ridding the system of these injurious substances. \* \* \* most efficient in treating particular diseases. \* \* \* This circular contains directions in the use of D-O-D. Follow Them Closely. This is very Important for upon it depends relief \* \* \* diseases which frequently prove fatal. Gangrene \* \* \* To You, the Afflicted—My case was a diabetic gangrene of the most aggravated kind. The disease had progressed all over one foot, to one and a half inches above the ankle. I was suffering excruciating agony \* \* \* my condition gave little hope of improvement. That left only one conclusion for me—the grave. \* \* \* I was induced to use D-O-D. The first treatment gave immediate and great relief. Now, after using D-O-D for three months, I am in perfect condition. My foot does not ache and the gangrene has entirely disappeared" (dated July 12, 1917), "July 12, 1917, I made affidavit that I had been cured of diabetic gangrene by the use of D-O-D only. \* \* \* The gangrene first attacked me on December 13, 1913. It went from bad to worse until in March, 1914, I had my left foot amputated about four inches below the knee. In March, 1917, it broke out in my right foot \* \* \* reached a condition which seemed beyond cure. Up to that time I had never used D-O-D, but from the date I began to use it improvement began and continued until completely cured. I am so anxious to relieve the suffering of those afflicted with this dreadful disease that I am volunteering this affidavit as conclusive evidence of the value of D-O-D and its effect upon me. I believe D-O-D properly applied and directions closely followed will cure any case of diabetic gangrene. \* \* \* a diabetic abscess developed on my right foot and gangrene followed immediately \* \* \* my limb was amputated \* \* \* Then gangrene developed in the other foot \* \* \* there is a medicine \* \* \* called D-O-D that will cure gangrene \* \* \* I tried it \* \* \* there was a notable change for the better \* \* \* made a complete and lasting cure, \* \* \* I am satisfied that D-O-D applied according to directions will cure any case of diabetic gangrene. \* \* \* I had diarrhoea and bowel cramps so badly that I almost died. \* \* \* I used D-O-D for five days; it positively put my stomach and bowels in order. Also \* \* \* I developed what is known as a T. B. rectum \* \* \* the fistula \* \* \* got very large \* \* \* I injected a solution of D-O-D every evening \* \* \* and the same became cured. D-O-D did nothing more nor less than save my life \* \* \* is absolutely indispensable for bed patients \* \* \* will \* \* \* heal bed sores \* \* \* I was suffering with Kidney and Bladder trouble \* \* \* an eminent physician diagnosed my illness as tuberculosis of the kidney \* \* \* I \* \* \* had given up



hope of getting well \* \* \* a friend \* \* \* spoke \* \* \* about D-O-D \* \* \* I decided to give it a trial \* \* \* I noticed an improvement and continued its use with excellent results. \* \* \* am in better health than I have been in 15 years. \* \* \* I cannot speak too highly of your D-O-D and can recommend it to any one who may be suffering from Kidney and Bladder trouble. \* \* \* Eczema Running Sores Shingles Hives Rashes Barber's Itch Poison Ivy \* \* \* An efficient and harmless douche is so important and necessary in maintaining the good health of womankind that we give it special mention. \* \* \* D-O-D as a douche \* \* \* It is a perfect cleanser, cuts away dead tissue and kills poisonous seed or germs \* \* \* Steam and Vaporizing Asthma Influenza Bronchitis Catarrh Colds Sore Throat Hay Fever Grippe \* \* \* Poisonous Bites \* \* \* Flesh Infection Blood Poisoning \* \* \* Carbuncles Boils \* \* \* Use Internally for stomach and bowel troubles Dyspepsia Dysentery \* \* \* Ptomaine Poisoning Cholera Morbus Colic \* \* \* Pyorrhea \* \* \* Diabetes Piles \* \* \* If you would keep disease away, begin at the fountain source—the mouth. \* \* \* Food \* \* \* fills the cavities in the teeth and the space between them and very quickly develops bacteria injurious to health \* \* \* If this is not destroyed \* \* \* it may spread disease to the different parts of the system. The brushing of the teeth \* \* \* does not necessarily kill the bacteria. You must have a strong antiseptic. D-O-D properly used will do the work. \* \* \* Use  $\frac{1}{8}$  of a teaspoonful of D-O-D powder in a glass of pure, warm water. Hold a mouthful of the fluid in the mouth one-half minute to a minute at a time. When you have used the glassful, the danger of infection will be overcome. \* \* \* Last, but not least, for health and youthful feeling is a D-O-D bath."

On January 4, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13961. Adulteration and misbranding of hominy feed. U. S. v. the Chapman-Doake Co. Plea of guilty. Fine, \$60 and costs. (F. & D. No. 19291. I. S. Nos. 9102-v, 9103-v, 9104-v.)**

On August 4, 1925, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Chapman-Doake Co., a corporation, Decatur, Ill., alleging shipments by said company, in violation of the food and drugs act, on or about January 18, 1924, from the State of Illinois into the State of Indiana, of quantities of hominy feed which was adulterated and misbranded. The article was labeled in part: "The Chapman-Doake Company, of Decatur, Ill., Guarantees this Hominy Feed to contain not less than 7.0 per cent of crude fat, 10.0 per cent of crude protein."

Analysis by the Bureau of Chemistry of this Department of a sample of the article from each shipment showed that it contained approximately 9.5 per cent protein and 3.8 per cent fat and that it consisted largely of ground corn or corn feed meal.

Adulteration of the article was alleged in the information for the reason that ground corn or corn feed meal had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for hominy feed, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "The Chapman-Doake Company, of Decatur, Ill., Guarantees this Hominy Feed to contain not less than 7.0 per cent of crude fat, 10.0 per cent of crude protein," borne on the tags attached to the sacks containing the article, was false and misleading, in that the said statement represented that the article consisted wholly of hominy feed and contained not less than 7 per cent of crude fat and not less than 10 per cent of crude protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of hominy feed and contained not less than 7 per cent of crude fat and not less than 10 per cent of crude protein, whereas it did not consist wholly of hominy feed but did consist in part of ground corn or corn feed meal and did contain less than 7 per cent of crude fat and less than 10 per cent of crude protein.

On January 4, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$60 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13962. Misbranding of Diabetylin, Haemozon 10A, Haemozon 10A Effervescent, and Astonax. U. S. v. 174 Packages of Diabetylin, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 20052, 20053, 20055. I. S. Nos. 24801-v, 24803-v, 24804-v, 24805-v, 24807-v. S. No. C-4721.)**

On May 4, 1925, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 84 packages of Haemozon 10A, and 11 packages of Haemozon 10A Effervescent, 174 packages of Diabetylin, and 41 bottles of Astonax, at Chicago, Ill., alleging that the articles had been shipped by the Haemozon Products Co., from West Bend, Wis., between the dates of June 14, 1924, and March 16, 1925, and transported from the State of Wisconsin into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this Department of samples of the article showed that the Diabetylin consisted essentially of yeast and sodium phosphate; the Haemozon 10A and the Haemozon 10A Effervescent consisted essentially of magnesium carbonate and magnesium peroxide; and the Astonax consisted essentially of a mixture of alcohol, sugar and water, with a small amount of extracts from plant materials.

Misbranding of the articles was alleged in the libels for the reason that the following statements borne on the labelings of the respective products, regarding their curative and therapeutic effects, to wit: (Haemozon 10A and Haemozon 10A Effervescent, can label) "Highly recommended to combat all diseases resulting from prolonged Faulty Metabolism, that is improper assimilation of foodstuffs, or diseases due to an excess of Waste Products and Toxins (Body-Poisons) present within the system. The use of Haemozon is therefore indicated when suffering from \* \* \* Piles; certain Liver- and Gall Complaints; \* \* \* Nephritis, Diabetes, Arteriosclerosis, and kindred diseases; in certain Heart" ("Head" in a portion of labels) "and Stomach Troubles due to Indigestion or Neuroses; in diseases of the Nervous System. Insomnia; in Eczematous Eruptions of the Skin; finally in Anemia and what is generally called a Run-Down Condition. Haemozon stirs up all Body Poisons and Uric Acids \* \* \* Health and Strength through Oxygen \* \* \* to insure thorough eliminating process \* \* \* so that waste matter stirred up by the action of nascent Oxygen may be removed readily," (Diabetylin, box label) "Diabetylin \* \* \* for improving the work of the Intestinal Bacteria and increasing the Carbohydrate tolerance of sufferers from Diabetes," (Diabetylin, leaflet directions) "An overdose is impossible, as any person can safely take any quantity as injurious after-effects are never produced. At the commencement of the treatment the patient should resort to as uniform diet as possible and take regularly \* \* \* 2 to 4 tablets, until a decrease in the excretions of sugar has been clearly proved, \* \* \* The following quantities generally suffice to lead to a success: 250 g. Diabetylin for specially favourable cases 500 g. Diabetylin for less favourable cases, 1000 g. Diabetylin for stubborn cases \* \* \* The effect of Diabetylin is not diminished even when used for years," (Astonax, bottle label) "Health and Strength \* \* \* highly efficient Gland Stimulant \* \* \* Especially indicated when suffering from Gall Stones, Kidney Stones, Arteriosclerosis (Hardening Of The Arteries), or kindred diseases caused by inefficient action of the glands. \* \* \* A cure should be undertaken once every six months. Several bottles of Astonax per cure should prove sufficient," (Astonax, circular) "It acts on all the glands of the body, stimulating them to greater activity, and thereby causes the speedier removal of accumulated waste products and body poisons. Diseased or lazy glands interfere with the proper assimilation of the indigested foodstuffs, also lose their ability to prevent the deposition and elimination of waste products, which by their accumulation cause the symptoms incident to Old Age, besides many serious and painful diseases of an acute or chronic nature. So we find these body-slugs in the form of solids and semi-solids as Gall Stones, Kidney Calculi, etc. Arteriosclerosis (Hardening of the Arteries) is also indirectly brought about by the same faulty processes. In Astonax a means has been



found to vitalize and stimulate these processes of removal. \* \* \* patients suffering from Gall and Kidney Stones, also in progressed Arteriosclerosis. Patients suffering from attacks of Gall Stone Colic for months, even years, have been freed of such attacks, and enjoy a better health in every way. Patients afflicted with Hardening of the Arteries have had their blood pressure considerably lowered. Gain in weight was often noticed, while attacks of Vertigo (Dizziness) gradually disappeared. Remarkable Rejuvenation was often noticed in people during and after the treatment. \* \* \* impoverished blood showed \* \* \* a considerable increase of hemoglobin \* \* \* better assimilation takes place \* \* \* strengthens the red blood corpuscles \* \* \* use the Haemozon 10A, in combination, when Astonax is used, thereby renovating the entire system thoroughly, through its Oxygen Action," were false and fraudulent, in that the above-quoted statements represented that the respective articles contained ingredients or medicinal agents effective as a remedy for the several diseases, ailments, and afflictions mentioned in the said statements, whereas the articles contained no ingredients or combinations of ingredients effective for the said purposes. The 41 bottles of Astonax were further alleged to be misbranded, in that the statement "Alcohol 18%" was false and misleading as the said article contained more than 18 per cent of alcohol.

On December 21, 1925, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13963. Adulteration of canned salmon. U. S. v. Kadiak Fisheries Co. Plea of guilty. Fine, \$50. (F. & D. No. 19610. I. S. Nos. 7773-v, 20235-v.)**

On May 8, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Kadiak Fisheries Co., a corporation, Seattle, Wash., alleging shipment by said company, in violation of the food and drugs act, on or about July 25, 1924, from the Territory of Alaska into the State of Washington, of a quantity of canned salmon which was adulterated. The article was labeled in part: "Criterion Brand Pink Alaska Salmon Packed By Kadiak Fisheries Co. Offices—Seattle, Wash."

Examination by the Bureau of Chemistry of this Department of 480 cans of the article from the shipment showed 85 cans, or 17 per cent, of decomposed salmon.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy and decomposed animal substance.

On November 23, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13964. Adulteration of canned shrimp. U. S. v. 24½ Cases, et al. of Canned Shrimp. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 20668, 20669. I. S. Nos. 5452-x, 5453-x S. Nos. E-5595, E-5596.)**

On November 30, 1925, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 49 cases of canned shrimp, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Houma Packing Co., Inc., from Houma, La., October 27, 1925, and transported from the State of Louisiana into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Ho-Ma Brand Shrimp Packed By Houma Packing Co. Houma, La. Wet Pack."

Adulteration of the article was alleged in the libels for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On December 19, 1925, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13965. Adulteration and misbranding of concentrated sweetener. U. S. v. 2 Cases, et al., of Concentrated Sweetener. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 12964, 13019, 13030. I. S. Nos. 9318-r, 9339-r, 9358-r. S. Nos. E-2365, E-2420, C-2010.)

On June 23 and July 13 and 16, 1920, respectively, the United States attorney for the Southern District of Florida, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 2 cases and 10 pounds of concentrated sweetener, in various lots at Daytona, Key West, and St. Petersburg, Fla., respectively, alleging that the article had been shipped by the W. B. Wood Mfg. Co. in part on or about June 3, 1920, and in part on or about June 12, 1920, and transported from the State of Missouri into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Wood's Special Concentrated Sweetener 500-500 Soluble in Cold Water. Not Sold As A Drug W. B. Wood Mfg. Co. \* \* \* St. Louis, Mo."

Adulteration of the product contained in the said 2 cases was alleged in the libel for the reason that an imitation sweetener had been substituted wholly or in part for the article, and for the further reason that it contained saccharin, an added deleterious ingredient, which might have rendered it injurious to health.

Adulteration of the remainder of the product was alleged for the reason that another substance, to wit, saccharin, had been substituted wholly or in part for the article, and for the further reason that it contained saccharin, an added poisonous or deleterious ingredient which might have rendered it injurious to health.

Misbranding of all the product was alleged for the reason that the statement on the labels, "Special Concentrated Sweetner" (or "Sweetener") "500," was false and misleading, in that the said statement represented that the article was 500 times sweeter than sugar, when it was not. Misbranding was alleged with respect to the said 10 pounds of the product for the further reason that it was an imitation of and offered for sale under the distinctive name of another article.

On November 18, 1925, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13966. Misbranding of potatoes. U. S. v. William A. Evans, Isabell E. Evans, and Donald E. Evans (W. A. Evans & Co.). Pleas of guilty. Fine, \$100.** (F. & D. No. 19325. I. S. No. 22126-v.)

On May 16, 1925, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William A. Evans, Isabell E. Evans, and Donald E. Evans, copartners, trading as W. A. Evans & Co., Lapeer, Mich., alleging shipment by said defendants, in violation of the food and drugs act as amended, on or about April 15, 1924, from the State of Michigan into the State of Ohio, of a quantity of potatoes which were misbranded. The article had been offered for sale by telegram, and shipped as "One car U. S. one potatoes." A portion of the said article was labeled: "Michigan U. S. Grade No. 1 150 Lbs. Net Wt. When Packed."

Examination by the Bureau of Chemistry of this Department of a number of sacks of the article showed that they contained approximately 35 per cent of undergrade potatoes.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "U. S. Grade No. 1," borne on the tag attached to each of a number of the sacks containing the said article, was false and misleading, in that the said statement represented that the article was U. S. Grade No. 1 potatoes, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said sacks contained U. S. Grade No. 1 potatoes, whereas said article was not U. S. Grade No. 1 potatoes but was potatoes of quality and grade inferior to U. S. Grade No. 1 potatoes. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, U. S. Grade No. 1



potatoes. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity was not stated on a number of the said sacks.

On October 8, 1925, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13967. Adulteration of chestnuts. U. S. v. 632 Bags of Dried Shelled Chestnuts, et al. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20641. I. S. Nos. 8079-x, 8082-x. S. No. E-5586.)**

On November 23, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 632 bags of dried shelled chestnuts and 200 bags of chestnuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped from Genoa, Italy, by an unknown consignor, in various consignments, namely, on or about December 30, 1924, and January 9, 10, and 29, 1925, respectively, and that it had been transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On December 12, 1925, Thomas Guardincerri, New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$5,000, in conformity with section 10 of the act, conditioned in part that the good portion be separated from the bad portion under the supervision of this department and the latter destroyed or denatured.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13968. Adulteration of chestnuts. U. S. v. 133 Barrels of Chestnuts. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20633. I. S. No. 8078-x. S. No. E-5567.)**

On November 20, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 133 barrels of chestnuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped from Italy by an unknown shipper, on or about December 23, 1924, and that it had been transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On December 12, 1925, Loew & Mancini, Inc., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,200, in conformity with section 10 of the act, conditioned in part that the bad portion be separated from the good portion under the supervision of this department and the bad portion destroyed or denatured.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13969. Misbranding of butter. U. S. v. 19 Boxes of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20535. I. S. No. 2018-x. S. No. C-4843.)**

On October 14, 1925, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 19 boxes of butter, at Memphis, Tenn., alleging that the article had been shipped by Swift & Co., from Springfield, Mo., October 6, 1925, and transported from the State of Missouri into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended. The

article was labeled in part: (Box) "Creamery Butter Forestville Butter," (stamped on box) "From Swift & Co., Springfield, Mo., to Swift & Co., Memphis, Tenn." (carton) "Forestville Creamery Butter 1 Lb. Net Weight."

Misbranding of the article was alleged in the libel for the reason that the statement "1 Lb. Net Weight," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that it was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 24, 1925, Swift & Co. having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the product be retreated under the supervision of this department so as to meet the objections raised in the libel.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13970. Misbranding and alleged adulteration of colors. U. S. v. 10 One-pound Packages of Colors. Tried to the court and a jury. Verdict for the Government on misbranding charge and for the defendant on adulteration charge. Decree of condemnation, forfeiture, and destruction entered. (F. & D. No. 19043. I. S. Nos. 16201-v, 16202-v, 16203-v, 16206-v. S. No. E-4960.)**

On October 7, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 37 one-pound packages of colors, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped by H. Kohnstamm & Co., Inc., from New York, N. Y., on or about August 22, 1924, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton and bottle) "We Guarantee The Contents Of This Package To Contain No Coal Tar Color Excepting Our Certified Colors" (1) "Atlas Colors \* \* \* H. Kohnstamm & Co. Inc. New York, Chicago. \* \* \* 1 Lb. Net 5742 \* \* \* Brilliant Yellow" (or "5521 \* \* \* Brilliant Green Shade" or "5794 \* \* \* N. S. Brilliant Rose Shade" or "5536 \* \* \* Brilliant Scarlet Red").

Adulteration of the article was alleged in the libel for the reason that substances, sugar and glycerin, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements, "We Guarantee The Contents Of This Package To Contain No Coal Tar Color Excepting Our Certified Colors," together with the lot numbers and the names of the respective colors, borne on the labels, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On May 8, 1925, H. Kohnstamm & Co., Inc., New York, N. Y., having intervened as claimant for the property, the case came on for trial before the court and a jury. After the submission of evidence and arguments by counsel, the court delivered the following instructions to the jury (Thompson, J.)

"Members of the jury, in this case the United States officials, agents of the Pure Food and Drugs Bureau of the Department of Agriculture, seized certain packages containing dyes for food products which had been sold by the claimant to D. S. Dengler & Son, of this city. They were seized under the provisions of the pure food and drugs act on the charge of being misbranded and adulterated. That act provides that in case any food products are transported from one State to another in interstate commerce, that are misbranded or adulterated within the meaning of the law, they may be seized and forfeited to the United States. So that is the nature of this proceeding. The proceeding is against the articles themselves, and the claimant, H. Kohnstamm & Co., has come in as claimant for the merchandise, and is defending the action brought by the United States.

"The pure food and drugs act was an act passed by Congress to protect the public from imposition in the sale of food products, among other things, in order that persons who were dealing in food products in interstate commerce



might not impose upon the public by selling them articles which were either deleterious to health, or which were short in weight or quantity, or which were in some other manner being imposed upon the public at that time when the act was passed, without any regulation by Congress.

"Under the law there are certain offenses prescribed by Congress, and one of them is misbranding. In this case it is charged that these 1-pound packages which were seized were misbranded, in that the label contained a statement that was false and misleading, which tended to mislead the purchasing public as to the contents of the package. The misleading statement on each of the packages is substantially as follows: 'We guarantee the contents of this package to contain no coal-tar color excepting our certified colors.'

"Then comes the name, H. Kohnstamm & Co., Inc., New York-Chicago, and so on, and then the statement that it is a 1-pound package.

"The pure food and drugs act authorized the issuance by the Government authorities of regulations governing the transportation and sale of food being taken from one State to another. You will understand that is how this case got into the United States Court, because the Federal authorities alone have control of commerce between the States.

"These regulations are binding on parties who are dealing in food products in interstate commerce.

"The regulations here with regard to coloring for food products adopted by the Department, made, no doubt, after a careful examination of the various constituents entering into coloring substances for food products, confectionery and so on, authorized the use of certain coal-tar dyes as not being deleterious to health, but the regulations required that the colors sold by the dealers might be certified, the contents of the composition of the colors certified to the Department of Agriculture, and when so certified a number was assigned to that particular composition, and the seller then had a right to use that number and state that the contents of the package was certified.

"The contention in this case on the part of the Government is that the statement on the package, 'We guarantee the contents of this package to contain no coal-tar color except our certified colors' was misleading, and tended to deceive and mislead the purchasers, leading them to suppose that these colors which were being sold by the claimant here, H. Kohnstamm & Co., were certified under the regulations and, therefore, the purchaser would be protected in case there were any deleterious or unlawful matters contained in the packages. That, as I understand it, is the contention of the Government.

"The claimant on the other hand contends that, there being no reference to the fact that when they used the word 'certified' they meant that they were certified to the Pure Food and Drugs Bureau of the Department of Agriculture, there being no statement to that effect, it was entirely an innocent statement, and the defendant was entitled to refer to certain colors as its certified colors, whether or not they were in accordance with a certificate filed with the Department of Agriculture.

"That is, as I understand it, the substance of the controversy in regard to the use of this guarantee, or this statement on the label, that there was a guarantee that no coal-tar colors were in the package excepting the Kohnstamm & Company's certified colors.

"There is another question arising in the case, and that is the question of adulteration. The Department regulations require where coal-tar colors are used along with other substances that, in order to protect the purchasing public and assure them of getting the strength and quantity of the actual coal-tar colors which they are entitled to have when they buy a package by the pound, if there are other ingredients entering into the composition, that this shall be certified to the Department along with other matters which they may be required to certify, and thereby the public generally, trading in this sort of article, may have this source of information to know just what they are getting when they buy a package alleged to contain food coloring matter.

"So that the charges here are first, misbranding, and second, adulteration, in that a foreign substance, a substance not specified on the label, was contained in the package, and that other ingredients had been mixed with the coloring matter.

"You have heard the testimony in the case. You have heard the witnesses called, some of whom testified that they read the label and saw it contained the word 'certified,' that in the trade that conveys the idea that the descrip-

tion of the contents of this package has been certified to the Department, and a serial number issued, and the certification referred to there of the word 'certified' refers to such a certification.

"It is contended on behalf of the defense, however, and it has been testified to on their behalf, that the word 'certified' would not convey any such meaning. So that that is a fact for you to consider.

"It appears that these packages as put up were not certified to the Department of Agriculture. As I understand it, there is no dispute about that. But the claimant claims that his company is entitled to use a number on the package and use the word 'certified' and to state that such coal-tar colors as are used in the package are only those coal-tar colors which have been certified by the claimant. So that it is a question for you to determine as to whether these statements on the packages, by reason of the regulations which I have referred to and the provisions of the law, were false and misleading, so as to mislead the purchaser into thinking he was getting something which he did not get. It you find that that is the case, then, in order to simplify the matter, I will instruct you to return a verdict in favor of the plaintiff, that is to say, for the Government.

"If, however, you find that charge is not sustained by the evidence, that there were no false and misleading statements in this guarantee, taking into consideration not only the act of Congress but the Government regulations—it does not make any difference in a case of this sort what the seller intended, but the question is, what would be the effect on the mind of the persons purchasing this article, would they be deceived and misled into thinking they were getting something they did not get—if you do not believe from the evidence that they would by this statement of guarantee be misled or deceived into believing that the contents of the package was something that it was not, then your verdict should be for the defendant as to the misbranding charge.

"As to the question of adulteration, it appears that these coloring matters were put up in some sort of paste, which was harmless in itself, and that it did not contain anything like 100 per cent of coloring matter. I do not recall the exact percentages, but it seems to me they ran from about six and a half to eight and three-quarters per cent of coloring matter, and that the rest was the substance of which the paste was made up, and this paste was what was used in the confectionery and other manufactures for coloring the articles to be sold.

"The pure food and drugs regulation, as I understand it, provides that where any substances are added to coal-tar coloring matters the quality thereof shall be certified to the Department at Washington, and that the statement shall contain the proportion in which the other constituents, besides the coloring matter, stand with relation to the actual coloring matter. If you find that under the regulations there has been no certification of the composition of these various coloring matters to the Department, stating the quantities of the foreign substances which were contained, then that would be an adulteration, because it would be increasing the quantity of the contents of the package so that the actual coloring matter would be only from six to eight or ten per cent, whereas the foreign substances would be the remainder of 90 per cent and over of foreign substances.

"If you believe from the evidence that that was what the defendant did, and that they were selling these colors with 90 per cent or over of an addition of other substances mixed with the coloring matter, without having complied with the regulations of the Department in filing the description of what they were selling under these various labels, then this product was subject to seizure and forfeiture, as adulterated.

"If, however, you believe that this coloring matter as sold by the claimant was put on the market either in its pure form in these packages, as contained in these packages, or that the claimant had complied with the law in filing at Washington a description of what he was selling, then your verdict should be for the defendant on that point.

"If you find that on either one or both charges the Government has made out its case to your satisfaction, then you will return a general verdict, unless counsel desire to have the verdict separated as to the counts. I suppose you do not desire that. You will return a general verdict for the plaintiff. If, however, the Government has not sustained its contention as to either charge, then your verdict should be for the defendant.



"In so far as I have in my general charge sustained the Government's written requests, I will grant an exception to the defendant. In so far as I have refused them I will grant an exception to the Government.

"The same rule will apply in regard to the defendant's requests. In so far as I have sustained them in my general charge, the Government will have an exception, and in so far as I have overruled them, the defendant will have an exception.

"I do not think it is necessary to charge on all of these points."

MR. BUTTERWORTH: "May I have an exception to that portion of your charge wherein you instructed the jury that under the food inspection decisions there is an obligation on the manufacturer and sellers of coal-tar colors to have them certified?"

(Exception noted for the intervening defendant as requested, by direction of the court.)

MR. BUTTERWORTH: "May I also have an exception to that portion of your Honor's charge referring to adulteration, wherein you say that if any articles have been mixed with the color and the mixture has not been certified, that would constitute an adulteration under the act? As I understand it, the Government's contention is that there would be no adulteration unless these articles were sold as certified colors, because there is no standard for the color content of a plain color."

THE COURT: "If I gave the impression you indicate by your request for an exception I will say to the jury now that in so far as the Government regulations containing certificates on mixtures with pure colors are concerned, that they have no application to this case unless you find from the evidence that the words endorsed on the package in regard to the guarantee as a certification are such as to indicate that the package contains what is referred to in a certificate which has been filed by the intervening defendant. You may have an exception to that if you like."

(Exception noted for the defendant, by direction of the court.)

MR. BUTTERWORTH: "On considering the matter further, if we could have the verdict separated, if it comes to that point, I think it would be preferable."

THE COURT: "Members of the jury, inasmuch as it has been requested by defendant, and in order that there will be no doubt about your findings in the case, when you return your verdict you will be requested to return your verdict first as to the misbranding, and on that subject you will state whether or not the verdict is for the plaintiff or for the defendant. You will then be asked how you find on the charge of adulteration, and you will then similarly state on that charge whether you find for the plaintiff or for the defendant, in order that the two substantial charges in the information that has been filed may be separated.

"Plaintiff's points read as follows:

"1. If an article of food shipped in interstate commerce is not the identical thing that the brand indicates it to be, it is misbranded, and if you find that the colors in this case are not the identical things that the brands indicate them to be, then your verdict should be for the Government.

"2. Statements on the labels of articles of food shipped in interstate commerce which are ambiguous and liable to mislead the purchaser render the article misbranded, and if you find that the statements on the labels in this case are ambiguous and liable to mislead, then your verdict should be for the Government.

"3. The food and drugs act condemns every statement, design, and device which may mislead or deceive, and statements which result in deception or ambiguity, even if they are not technically false, or even though they may be literally true, come within the condemnation of the act. Therefore, if you find that the labeling in this case results in deception or ambiguity, even if it is literally true, the verdict should be for the Government.

"4. If as a matter of first impression the labeling of colors in this case tends to convey a false and misleading impression to the purchaser, even though a deliberate reading of the label might correct such an impression, then the verdict should be for the Government.

"5 If you find that the package containing the article or its label bears any statement, design, or device regarding the ingredients or substances contained therein, which statement, design, or device is false or misleading in any particular, then the verdict should be for the Government.

"6. A statement may be misleading not only by what it says but by what it fails to say, therefore if you determine that the statements on the labels

were such that as a whole the labeling indicates that the packages contained food colors of the quality known as certified colors, when they did not contain colors of that quality, or if you determine that the labeling indicates that the packages contained nothing but coal-tar colors and you believe that such was not the fact, then your verdict should be for the Government.

"7. Any foreign substance not declared on the label of an article of food and not a normal constituent of the article as described by the label renders that article adulterated, and if from all the facts in evidence you determine that a foreign substance has been mixed and packed with the colors the labels purport the packages to contain, so as to reduce, lessen, or weaken the quality or strength of the article, then the verdict should be for the Government.

"8. The substitution of any material other than a normal constituent of the article of food offered by its label is adulteration, and if from the evidence in this case you determine that substances other than the normal constituents of color have been in whole or in part substituted for the color the labeling purports the article to be, then the verdict should be for the Government.

"9. The substitution of another and different article for the article of food offered by the label constitutes adulteration, and if from the evidence in this case you believe the colors involved were by their label offered as certified colors and were not certified colors, then that state of facts would constitute a substitution of a different article from the article which the label purports the article to be, and the verdict should be for the Government.

"10. If from the evidence in this case you determine that the labeling of the colors as set out in the libel indicates to the purchaser that the packages involved are composed entirely of colors, and if from the evidence it is determined that said packages are not so composed but contain in addition to color other substances, then those other substances would render the article adulterated and the verdict should be for the Government.

"The defendant's points read as follows:

"1. The food and drugs act and the food inspection decisions thereunder did not require the intervening defendant to certify samples of the batches of color mixture, parts of which have been seized in this proceeding, unless the intervening defendant desired to and did sell the mixture as one which had been certified to the Department of Agriculture.

"2. Unless you find that the labeling on the packages in this suit was so similar to the manner in which the intervening defendant labeled colors which had been certified to the Department of Agriculture and which it sold as certified colors so as to lead the color trade generally familiar with colors manufactured and sold by the intervening defendant to believe that the colors in this suit were certified colors, then you must find that the colors in this suit are neither misbranded nor adulterated under the food and drugs act.

"3. If you find that the color content of the articles in this suit have been certified by the intervening defendant to the Department of Agriculture, then you must find that the articles are not misbranded or adulterated within the meaning of the food and drugs act.

"4. Under the pleadings and all the evidence you must find that the articles are not misbranded under the food and drugs act.

"5. Under the pleadings and all the evidence you must find that the articles are not adulterated within the meaning of the food and drugs act.

"6. Under the pleadings and all the evidence you must find that the articles are neither misbranded nor adulterated within the meaning of the food and drugs act."

On May 11, 1925, the jury after due deliberation returned a verdict for the Government on the misbranding charge, and for the defendant on the adulteration charge. On December 9, 1925, a decree of condemnation and forfeiture was entered, and the court ordered that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13971. Misbranding of Volta powder. U. S. v. 11½ Dozen Cans of Volta Powder. Default decree adjudging product misbranded and ordering its destruction. (F. & D. No. 20431. I. S. No. 560-x. S. No. W-1782.)**

On or about September 16, 1925, the United States attorney for the Southern District of California, acting upon a request by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 11-1/6 dozen cans of Volta



powder, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Volta Co. of America, Inc., from Philadelphia, Pa., on or about May 1, 1924, and transported from the State of Pennsylvania into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this Department of a sample of the article showed that it consisted essentially of a mixture of sulphur and iron oxide perfumed with methyl salicylate.

Misbranding of the article was alleged in the libel for the reason that the label on the can containing the said article bore the following statements regarding its curative or therapeutic effects: "Adapted To The Treatment of Rheumatism of the joints and Muscles, Sciatica, Lumbago, Gout and Neuritis \* \* \* Medication By Absorption Saves The Stomach \* \* \* to eliminate Excess Uric Acid poison from the body either through the pores of the skin or through the kidneys, and thereby to stimulate the system. \* \* \* Use \* \* \* until you find some relief \* \* \* Better results should be obtained by applying after first bathing the feet in hot water, so as to open the pores of the skin, as most sufferers from Rheumatism have dry skin and seldom perspire," which statements were false and fraudulent, in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On October 7, 1925, no claimant having appeared for the property, a decree was entered, adjudging the product to be misbranded and ordering its destruction by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13972. Adulteration of tomato puree. U. S. v. 9½ Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20626. I. S. No. 5442-x. S. No. E-5578.)**

On November 18, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9½ cases of tomato puree, remaining in the original unbroken packages at New Bedford, Mass., alleging that the article had been shipped by the Keough Canning Co., from Glassboro, N. J., October 7, 1925, and transported from the State of New Jersey into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Holly Bush Brand Tomato Puree Packed By Keough Canning Co. Glassboro, N. J."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On December 19, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13973. Adulteration of canned shrimp. U. S. v. 24½ Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20653. I. S. Nos. 5448-x, 5449-x, 5450-x, 5451-x. S. No. E-5591.)**

On November 27, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 24½ cases of canned shrimp, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Houma Packing Co., Inc., from Houma, La., October 27, 1925, and transported from the State of Louisiana into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Ho-Ma Brand Shrimp Packed By Houma Packing Co., Houma, La."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On December 19, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13974. Misbranding of olive oil and salad oil. U. S. v. 9 One-Gallon Cans of Olive Oil, et al. Default order of destruction entered. (F. & D. Nos. 19153, 19154. I. S. Nos. 20649-v, 20650-v. S. No. W-1477.)**

On November 22, 1924, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9 gallon cans and 77 quart cans of olive oil and 12 gallon cans of salad oil, remaining in the original unbroken packages at Magna, Utah, alleging that the articles had been shipped by N. G. Makris, from New York, N. Y., on or about October 5, 1923, and transported from the State of New York into the State of Utah, and charging misbranding in violation of the food and drugs act as amended. The olive oil was labeled in part: (Can) "Makris Brand Imported Lucca Olive Oil \* \* \* Net Contents One Gallon" (or "Net Contents One Quart") "B. G. Makris, Importer and Packer, Lucca, Italy, France, New York, U. S. A." The salad oil was labeled in part: (Can) "Il Papa Degli \* \* \* Uncle Sam Oil Our Brand Winter Pressed Vegetable Salad Oil \* \* \* Net Contents One Gallon Packed by B. G. Makris, New York."

Misbranding of the articles was alleged in substance in the libel for the reason that the statements "Net Contents One Gallon" and "Net Contents One Quart," borne on the respective labels, were false and misleading, in that the net contents of the salad cans were not 1 gallon or 1 quart, as the case might be. Misbranding was alleged for the further reason that the articles were [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On June 24, 1925, no claimant having appeared for the property, a decree of the court was entered, finding the products misbranded and ordering that they be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13975. Adulteration of canned frozen eggs. U. S. v. 400 Cans of Frozen Eggs. Decree of condemnation entered. Product released under bond. (F. & D. No. 20695. I. S. No. 1948-x. S. No. C-4899.)**

On or about December 4, 1925, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 400 cans of frozen eggs, remaining in the original packages at Louisville, Ky., consigned by Swift & Co., from Fort Wayne, Ind., alleging that the article had been shipped from Fort Wayne, Ind., in interstate commerce into the State of Kentucky, arriving July 6, 1925, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Swift's Frozen Eggs, Swift & Company, Chicago, U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On or about December 22, 1925, Swift & Co. having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that the claimant separate the decomposed product from the sound product under the supervision of this department and destroy the decomposed portion.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13976. Adulteration and misbranding of canned tuna fish. U. S. v. 7 Cases and 35 Cans of Tuna Fish. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 19947. I. S. No. 14151-v. S. No. E-5264.)**

On March 31, 1925, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 7 cases and 35 cans of tuna fish, remaining in the original unbroken packages at Williamsport, Pa., alleging that the article had been shipped by the M. DeBruyn Importing Co., from New York, N. Y., on or about February 18, 1925, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part:



"Juanita Brand California Tuna Standard All Light Meat \* \* \* Selected Quality Packed For Discriminating Trade Only."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, yellowtail, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement on the labels, to wit, "California Tuna Standard All Light Meat Selected Quality Packed For Discriminating Trade Only," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On October 3, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be relabeled and sold by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13977. Adulteration of tomato ketchup. U. S. v. 16 Dozen Cans, et al., of Tomato Ketchup. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20183. I. S. Nos. 14169-v, 14170-v. S. No. E-5408.)

On July 9, 1925, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 dozen cans of tomato ketchup, remaining in the original unbroken packages at Hanover, Pa., alleging that the article had been shipped by the W. N. Clark Co., from Rochester, N. Y., on or about February 6, 1925, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Tomato Ketchup \* \* \* Packed By W. N. Clark Co. Rochester, N. Y."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On October 12, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13978. Adulteration and misbranding of meat scraps. U. S. v. 20 Sacks of Meat Scraps. Decree entered, providing for release of product under bond to be relabeled.** (F. & D. No. 20597. I. S. No. 329-x. S. No. W-1811.)

On November 13, 1925, the United States attorney for the District of New Mexico, acting upon a report from the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 sacks of meat scraps, remaining in the original packages at East Las Vegas, N. Mex., alleging that the article had been shipped by the Colorado Animal By-Products Mfg. Co., Denver, Colo., October 30, 1925, and transported from the State of Colorado into the State of New Mexico, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Sack) "Golden Brand Improved Meat & Bone Meat Scraps Protein 50% \* \* \* Manufactured By Colorado Animal By-Products Mfg. Co., Denver, U. S. A. 100 Lbs."

It was alleged in substance in the libel that the article was adulterated and misbranded, in that the statements, designs, and devices regarding the composition of the product as shown by chemical analysis, to wit, "Protein 50%," borne on the said sacks, were false and misleading and were calculated to deceive and did deceive the purchaser, in that a product containing less than 50 per cent of protein had been substituted for 50 per cent protein meat scraps, which the said article purported to be.

On December 18, 1925, the Colorado Animal By-Products Mfg. Co., Denver, Colo., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of the court was entered, ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled so as to show the true contents thereof.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13979. Misbranding of meat meal. U. S. v. 1,200 Sacks of Meat Meal. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20598. I. S. No. 602-x. S. No. W-1812.)

On November 13, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,200 sacks of meat meal, remaining in the original unbroken packages at Swanstown, Calif., alleging that the article had been shipped by the Colorado Animal By-Products Co., from Ogden, Utah, in various consignments, namely, on or about September 22 and October 3 and 13, 1925, respectively, and transported from the State of Utah into the State of California, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Manufactured by Colorado Animal By-Products Co. Ogden, Utah, "Best Quality" Meat Meal Protein 60% Min."

Misbranding of the article was alleged in the libel for the reason that the statement "Protein 60% Min." borne on the labels, was false and misleading and deceived and misled the purchaser.

On December 18, 1925, the Colorado Animal By-Products Co. having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,750, conditioned in part that it be made to conform with the provisions of the law under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13980. Adulteration of eggs. U. S. v. 5 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 20464. I. S. No. 1812-x. S. No. C-4824.)

On September 15, 1925, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 5 cases of eggs, remaining in the original packages at Cincinnati, Ohio, consigned by Thornsberry & Baird, Cynthiana, Ky., alleging that the article had been transported in interstate commerce from Cynthiana, Ky., into the State of Ohio, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On November 27, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13981. Adulteration and misbranding of morphine sulphate tablets, nitroglycerin tablets, nux vomica tincture, nux vomica fluidextract, aspirin tablets, and strychnine sulphate tablets. U. S. v. the Crystal Chemical Co., Inc. Plea of guilty. Fine, \$500.** (F. & D. No. 19675. I. S. Nos. 12781-v, 12783-v, 13061-v, 13062-v, 13070-v, 13073-v, 16065-v, 16066-v, 16067-v, 16068-v.)

On November 9, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Crystal Chemical Co., Inc., a corporation, New York, N. Y., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on May 10, 1924, from the State of New York into the State of Maryland, of quantities of morphine sulphate tablets and nitroglycerin tablets, and on May 6, 9, and 20, 1924, respectively, from the State of New York into the State of New Jersey, of quantities of morphine sulphate tablets, nitroglycerin tablets, nux vomica tincture, nux vomica fluidextract, aspirin tablets, and strychnine sulphate tablets which were adulterated and misbranded. The articles were labeled, variously: "Tablets Hypodermic Morphine Sulphate 1-8 gr. Crystal Chem. Co. Inc. New York City U. S. A."; "Tablets \* \* \* Nitroglycerine 1-200 gr."; "Tablets Hypodermic Morphine Sulphate 1-10 gr."; "Tablet Triturates Nitroglycerine 1-100 gr."; "Tincture Nux Vomica U. S. P."; "Fluid Extract Nux Vomica U. S. P."; "Tablets C. C. C. Aspirin 5 Grains"; "Tablets Hypodermic Strychnine Sulphate 1-150"; and "Tablet Triturates Nitroglycerine 1-100 gr."



Analysis by the Bureau of Chemistry of this department of samples of the articles showed that: The two lots of morphine sulphate tablets labeled "1/8 gr." contained 1/10 grain of morphine sulphate to each tablet, and those labeled "1-10 gr." contained 0.088 grain of morphine sulphate to each tablet; the nitroglycerin tablets labeled "1/200 gr." contained 1/350 grain of nitroglycerin to each tablet, and the two lots of nitroglycerin tablets labeled "1/100 gr." contained 1/80 grain of nitroglycerin to each tablet; the nux vomica tincture contained 0.277 gram of the alkaloids of nux vomica per 100 mils, which is 6 per cent more than the maximum amount permitted by the United States Pharmacopœia; the nux vomica fluidextract contained 2.19 grams of the alkaloids of nux vomica per 100 mils, which is 7 per cent less than the minimum permitted by the United States Pharmacopœia; the aspirin tablets, labeled "5 Grains," contained  $4\frac{1}{4}$  grains of aspirin to each tablet; the strychnine sulphate tablets, labeled "1/150," contained 1/400 grain of strychnine sulphate to each tablet.

Adulteration of the morphine sulphate tablets, nitroglycerin tablets, aspirin tablets, and strychnine sulphate tablets was alleged in substance in the information for the reason that their strength and purity fell below the professed standard and quality under which they were sold, in that each of said tablets contained less of the product than declared on the label thereof. Adulteration of the nux vomica tincture and the nux vomica fluidextract was alleged in substance for the reason that they were sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopœia, official at the time of investigation, in that the nux vomica tincture yielded not less than 0.277 gram of the alkaloids of nux vomica per 100 mils, whereas the said pharmacopœia provided that nux vomica tincture should yield not more than 0.263 gram of the alkaloids of nux vomica per 100 mils, and the said nux vomica fluidextract yielded not more than 2.19 grams of the alkaloids of nux vomica per 100 mils, whereas the said pharmacopœia provided that nux vomica fluidextract should yield not less than 2.37 grams of the alkaloids of nux vomica per 100 mils, and the standard of strength, quality, and purity of the respective articles was not declared on the containers thereof.

Misbranding of the articles was alleged in substance for the reason that the statements, to wit, "Tablets \* \* \* Morphine Sulphate 1-8 gr.," "Tablets \* \* \* Nitroglycerine 1-200 gr.," "Tablets \* \* \* Morphine Sulphate 1-10 gr.," "Tablet \* \* \* Nitroglycerine 1-100 gr.," "Tincture Nux Vomica U. S. P.," "Fluid Extract Nux Vomica U. S. P.," "Tablets \* \* \* Aspirin 5 Grains," "Tablets \* \* \* Strychnine Sulphate 1-150," "Tablet \* \* \* Nitroglycerine 1-100 gr.," as the case might be, borne on the labels of the respective products, were false and misleading, in that the said statements represented that each of the said tablets contained the amount of the product declared on the label thereof, and that the nux vomica tincture and the nux vomica fluidextract conformed to the standards prescribed for nux vomica tincture and nux vomica fluidextract in the United States Pharmacopœia, whereas the said tablets contained less than declared on the labels thereof and the nux vomica tincture and the nux vomica fluidextract did not conform to the standards prescribed by the said pharmacopœia for such products.

On November 23, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$500.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13982. Misbranding of sweet potatoes. U. S. v. Joseph W. C. Bell, Jr. Plea of guilty. Fine, \$100. (F. & D. No. 19612. I. S. No. 12137-v.)**

On July 13, 1925, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Joseph W. C. Bell, Jr., Muskogee, Okla., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about February 9, 1924, from the State of Oklahoma into the State of California, of a quantity of sweet potatoes in baskets which were misbranded. The article was labeled in part: "Bell Sweet Potatoes Brand J. W. C. Bell, Jr. Distributor Nashville, Ark."

Misbranding of the article was alleged in the information for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 29, 1925, the defendant entered a plea of guilty to the information, and on October 29, 1925, the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13983. Adulteration of canned salmon. U. S. v. 496 Cases, et al., of Salmon. Decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 19113, 19114, 19115, 19116. I. S. No. 19802-v. S. No. C-4526.)

On November 3, 1924, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 716 cases of canned salmon, in part at Cincinnati, Ohio, and in part at Hamilton, Ohio, consigned by the Ward's Cove Packing Co., Ketchikan, Alaska, alleging that the article had been shipped from Prince Rupert, B. C., Dominion of Canada, and that it had been transported in interstate commerce into the State of Ohio, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Ward's Cove Brand Choice Alaska Salmon Pink \* \* \* Packed by Ward's Cove Packing Co. Ketchikan, Alaska."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On September 3 and October 14, 1925, respectively, the Ward's Cove Packing Co. having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of good and sufficient bonds, in conformity with section 10 of the act, conditioned in part that it be salvaged and the bad portion destroyed or otherwise disposed of under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13984. Misbranding of Brunswig's compound fluidextract buchu. U. S. v. 3 Dozen Bottles of Brunswig's Compound Fluidextract Buchu. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 17115. I. S. No. 7974-v. S. No. W-1270.)

On January 8, 1923, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3 dozen bottles of Brunswig's compound fluidextract buchu, at Phoenix, Ariz., alleging that the article had been shipped by the Brunswig Drug Co., Los Angeles, Calif., in part on or about August 24, 1920, and in part on or about November 15, 1921, and transported from the State of California into the State of Arizona, and charging misbranding in violation of the food and drugs act as amended. The label on the bottle containing the article bore the following statements: "Indicated in inflammation of the Bladder or Kidneys; Catarrhal conditions of the Bladder or Urethra; Diseased Prostate; Gravel or Stone in the Bladder; Mucous Discharges." The carton containing the bottle was labeled in part as hereinafter set forth.

Analysis by the Bureau of Chemistry of this Department of a sample of the article showed that it consisted essentially of potassium acetate, extracts of plant drugs, glycerin, alcohol, and water.

It was alleged in substance in the libel that the article was misbranded, in that the following statements borne on the carton label regarding the curative and therapeutic effects of the said article, "For the Treatment of Diseases of Urinary and Genital Organs Stone in the Bladder Calculus Gravel And All Affections of the Bladder and Kidneys \* \* \* The ingredients of Buchu Compound are those which have been proved to be of the greatest value, by physicians, in treating diseases of the urinary organs, such as Bright's Disease, Non-retention or Incontinence of Urine, Irritation, Inflammation or Ulceration of the Bladder or Kidneys, Chronic Catarrh of the Bladder and Urethra, Diseased Prostate, Gravel or Stone in the Bladder, Mucous and Milky Discharges, Dropsical Swellings, etc. For weakness arising from excess, indiscretion or dissipation in either sex," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.



On May 22, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13985. Adulteration and misbranding of prepared mustard. U. S. v. 3 Barrels of Salad Prepared Mustard. Default order of destruction entered.** (F. & D. No. 19473. I. S. No. 9832-v. S. No. W-1631.)

On January 14, 1925, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3 barrels, each containing 50 gallons, of salad prepared mustard, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by Plochman & Witt, from Chicago, Ill., June 12, 1924, and transported from the State of Illinois into the State of Utah, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Salad Prepared Mustard Colored With Turmeric. Manufactured by Plochman & Witt, Chicago."

Adulteration of the article was alleged in the libel for the reason that a substance, mustard bran, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement, "Salad Prepared Mustard Colored With Turmeric," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On June 24, 1925, no claimant having appeared for the property, a decree was entered, adjudging the product to be adulterated and misbranded, and it was ordered by the court that the said product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13986. Adulteration of shelled dried chestnuts. U. S. v. 80 Sacks of Shelled Dried Chestnuts. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 20634. I. S. No. 8084-x. S. No. E-5583.)

On November 20, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 80 sacks of shelled dried chestnuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Luigi Zaverio Cavargna, from Genoa, Italy, in part on or about January 15, 1925, and in part on or about January 25, 1925, and transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On December 5, 1925, F. Romeo & Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,200, in conformity with section 10 of the act, conditioned in part that the bad portion be separated from the good portion and the former destroyed or denatured under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13987. Misbranding of currants. U. S. v. Frank C. Schilling Co. Plea of guilty. Fine, \$1.** (F. & D. No. 11624. I. S. No. 9102-r.)

On June 25, 1920, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Frank C. Schilling Co., a corporation, Green Bay, Wis., alleging shipment by said company, in violation of the food and drugs act as amended, on or about July 30, 1919, from the State of Wisconsin into the State of Illinois, of a quantity of currants in crates which were misbranded. The article was labeled in part: (Crate) "From Schilling Green Bay."

Misbranding of the article was alleged in the information for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 27, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$1.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13988. Adulteration of butter. U. S. v. 300 Tubs of Butter. Product ordered released under bond. (F. & D. No. 20468. I. S. No. 2007-x. S. No. C-4827.)**

On or about September 21, 1925, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 300 tubs of butter, at Memphis, Tenn., alleging that the article had been shipped by the Armour Creameries, from Jackson, Miss., May 29, 1925, and transported from the State of Mississippi into the State of Tennessee, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it did not contain 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

On November 7, 1925, Armour & Co., Chicago, Ill., claimant, having prayed release of the product upon payment of the costs of the proceedings and having executed a bond in the sum of \$4,000, a decree of the court was entered, ordering that the said product be released under bond to the claimant to be reconditioned and retreated so as to meet the objections made to the said butter in the libel.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13989. Adulteration of chestnuts. U. S. v. 14 Kegs of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20627. I. S. No. 4937-x. S. No. E-5551.)**

On or about November 7, 1925, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 14 kegs of chestnuts, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by A. Papalia, from New York, N. Y., and transported from the State of New York into the State of Maryland, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On December 10, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13990. Adulteration of canned salmon. U. S. v. 665 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20442. I. S. No. 49-x. S. No. W-1786.)**

On September 23, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 665 cases of canned salmon, remaining in the original unbroken packages at San Francisco, Calif., consigned by the Alaska Packers Assoc., alleging that the article had been shipped from Bristol Bay, Alaska, and transported from the Territory of Alaska into the State of California, arriving at San Francisco, Calif., August 24, 1925, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Case) "Brand Alaska Packers Association San Francisco" (design of a fish) "48 Tins Salmon N 18."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On December 12, 1925, the Alaska Packers Assoc. having appeared as claimant for the property and having consented to the entry of a decree,



judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$9,500, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13991. Adulteration of canned pitted cherries. U. S. v. 239 Cases of Canned Pitted Cherries. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20652. I. S. No. 1057-x. S. No. W-1820.)**

On November 24, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 239 cases of canned pitted cherries, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Hunt Bros. Packing Co., from Salem, Oreg., on or about October 22, 1925, and transported from the State of Oregon into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Wonder Cooking Brand Pitted Royal Anne Cherries."

Adulteration of the article was alleged in the libel for the reason that a substance, cherry pits, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

On December 12, 1925, the Hunt Bros. Packing Co., Salem, Oreg., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13992. Adulteration and misbranding of butter. U. S. v. Walter R. Meier (Meier Creamery Co.). Plea of guilty. Fine, \$1. (F. & D. No. 19228. I. S. No. 15125-v. 15140-v.)**

On December 27, 1924, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Walter R. Meier, trading as the Meier Creamery Co., Princeton, Wis., alleging shipment by said defendant, in violation of the food and drugs act, in two consignments, namely, on or about November 16 and 23, 1923, respectively, from the State of Wisconsin into the State of Maryland, of quantities of butter which was adulterated and misbranded. The article was labeled in part: "Butter."

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat had been substituted for butter, which the said article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by law.

Misbranding was alleged for the reason that the statement, to wit, "Butter," borne on the packages containing the article, was false and misleading, in that the said statement represented that the article was butter, to wit, a product containing not less than 80 per cent by weight of milk fat, as prescribed by law, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was butter, to wit, an article containing not less than 80 per cent by weight of milk fat, whereas it was not butter, in that it did not contain 80 per cent by weight of milk fat but did contain a less amount. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, butter.

On November 9, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$1.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13993. Misbranding of olive oil. U. S. v. 115 Half-Gallon Cans of Olive Oil. Product ordered released under bond. (F. & D. No. 20075. I. S. No. 14628-v. S. No. W-1715.)**

On May 21, 1925, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 115 half-gallon cans of olive oil, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by A. Giurlani & Bro. (A. Giurlani & Bro.), from San Francisco, Calif., on or about April 3, 1925, and transported from the State of California into the State of Utah, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Net Contents One Half Gallon \* \* \* Olive Oil A. Giurlani & Bro., San Francisco, Calif."

Misbranding of the article was alleged in the libel for the reason that the statement on the labels "Net Contents One Half Gallon," was false and misleading, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 25, 1925, A. Giurlani & Bro., San Francisco, Calif., claimant, having paid the costs of the proceedings and executed a bond in the sum of \$300, in conformity with section 10 of the act, and the court having found the product to be misbranded, a decree was entered, ordering that the said cans of olive oil be released to the claimant to be refilled and relabeled as to the exact net contents, under Government supervision.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13994. Misbranding of Hesperian tonic. U. S. v. 3½ Dozen Bottles and 5¼ Dozen Bottles of Hesperian Tonic. Default orders of destruction entered. (F. & D. Nos. 19106, 19121. I. S. Nos. 9830-v, 11712-v. S. Nos. W-1598, W-1602.)**

On November 26, 1924, the United States attorney for the District of Utah, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 8¾ dozen bottles of Hesperian tonic, remaining in the original unbroken packages in part at Salt Lake City, Utah, and in part at Ogden, Utah, alleging that the article had been shipped by the Temple of Health Medicine Co., from San Francisco, Calif., in two consignments, namely, on or about March 20, 1924, and April 19, 1924, respectively, and transported from the State of California into the State of Utah, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it consisted essentially of ferric chloride, a trace of ethyl nitrite, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements regarding the curative and therapeutic effects of the said article, borne on the labels thereof: (Bottle label and carton) "for \* \* \* assisting in affording relief of the inflammation in \* \* \* Hoarseness, Diphtheria, Bronchial, Laryngeal Inflammation, and in Eruptive conditions of the skin," were false and fraudulent, since it contained no ingredients or combination of ingredients capable of producing the effects claimed.

On June 24, 1925, no claimant having appeared for the property, decrees of the court were entered, adjudging the product to be misbranded and ordering its destruction by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13995. Misbranding of butter. U. S. v. H. Hamilton, R. L. Autrey, J. H. Studdert, Jesse Andrews, Jos. F. Meyer, B. A. Reisner, and D. Rossi, Trustees, Trading as Magnolia Dairy Products Co. Tried to the court. Judgment of guilty. Fine, \$10 and costs. (F. & D. No. 15006. I. S. No. 2881-t.)**

On January 21, 1922, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against H. Hamilton, R. L. Autrey, J. H. Studdert, Jesse Andrews, Jos. F. Meyer, B. A. Reisner, D. Rossi, trustees, trading as Magnolia Dairy Products Co., Houston, Tex., alleging shipment by said defendants, in violation of the food and drugs act as



amended, on or about May 18, 1921; from the State of Texas into the State of Louisiana, of a quantity of butter which was misbranded. The article was labeled in part: "Contents One Pound Net \* \* \* Magnolia Brand Butter Manufactured By Magnolia Dairy Products Co., Houston, Texas."

Examination by the Bureau of Chemistry of this department showed that the average net weight of 20 prints was 15.2 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Contents One Pound Net," borne on the cartons containing the article, was false and misleading, in that the said cartons did not each contain 1 pound net of butter but did contain a less quantity, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser thereof into the belief that each of the cartons contained 1 pound net of butter, whereas each of said cartons contained a less quantity. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 5, 1925, a jury having been waived by the parties, the case came on for trial before the court. After the submission of evidence and arguments by counsel, the court entered a judgment of guilty against the defendants and imposed a fine of \$10 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13996. Misbranding of canned corn. U. S. v. 165 Cases and 246 Cases of Canned Corn. Decrees of condemnation entered. Product released under bond.** (F. & D. Nos. 20114, 20115. I. S. Nos. 23856-v, 23857-v, 23862-v. S. Nos. C-4745, C-4746.)

On June 12 and 13, 1925, respectively, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 411 cases of canned corn, remaining in the original unbroken packages at Baton Rouge, La., alleging that the article had been shipped by the New Vienna Canning Co., from New Vienna, Ohio, during the month of October, 1924, and transported from the State of Ohio into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: "Maple Sweet Brand Evergreen Sugar Corn Contents 1 Lb. 4 Oz. \* \* \* Packed by New Vienna Company, New Vienna, Ohio." The remainder of the said article was labeled in part: "Nun-so-good Brand Evergreen Sugar Corn Contents 1 Lb. 4 Oz. \* \* \* Packed By New Vienna Canning Co. New Vienna, Ohio."

Misbranding of the article was alleged in the libels for the reason that the statement "Contents 1 Lb. 4 Oz.," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 11, 1925, the Cohn Flour & Feed Co. and Holmes & Barnes, Ltd., both of Baton Rouge, La., having appeared as claimants for respective portions of the property and having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,100, in conformity with section 10 of the act, conditioned in part that the statement "Contents 1 Lb. 4 Oz." be obliterated and the product rebranded.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13997. Adulteration and misbranding of butter. U. S. v. Holston Creamery Co. Plea of guilty. Fine, \$50 and costs.** (F. & D. No. 19328. I. S. No. 19832-v.)

On February 23, 1925, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Holston Creamery Co., a corporation, Bristol, Va., alleging shipment by said company, in violation of the food and drugs act, on or about August 22, 1924, from the State of Virginia into the State of Tennessee, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Holston Brand Creamery Butter \* \* \* One Pound Net Made by Holston Creamery Co. \* \* \* Bristol, Va."

Analysis by the Bureau of Chemistry of this Department of a sample of the article showed that it contained 77.6 per cent of milk fat. Examination by said bureau of 8 prints showed an average net weight of 15.75 ounces.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat had been substituted for butter, which the article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by law.

Misbranding was alleged for the reason that the statements, to wit, "Creamery Butter" and "One Pound Net," borne on the packages containing the said article, were false and misleading, in that the said statements represented that the article consisted wholly of creamery butter and that each of said packages contained 1 pound net thereof, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of creamery butter and that each of said packages contained 1 pound net thereof, whereas it did not consist wholly of creamery butter but did consist of a product deficient in milk fat and each of said packages did not contain 1 pound net of butter but did contain a less amount. Misbranding was alleged for the further reason that the statement, to wit, "Butter," borne on the packages, was false and misleading, in that it represented that the said article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by law, whereas it was a product which did not contain 80 per cent by weight of milk fat but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 9, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13998. Adulteration and misbranding of butter. U. S. v. Union Creamery Co. Plea of guilty. Fine, \$200. (F. & D. No. 19659. I. S. No. 21132-v.)**

On June 22, 1925, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Union Creamery Co., a corporation, La Grande, Oreg., alleging shipment by said company, in violation of the food and drugs act, on or about January 21, 1925, from the State of Oregon into the State of Washington, of a quantity of butter which was adulterated and misbranded.

Examination by the Bureau of Chemistry of this Department of samples of the article showed that it contained 77.98 per cent and 78.95 per cent of milk fat.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat, in that it contained less than 80 per cent by weight of milk fat, had been substituted for butter, a product which must contain not less than 80 per cent by weight of milk fat as prescribed by law.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, butter, in that it contained less than 80 per cent by weight of milk fat, the minimum milk fat content of butter as prescribed by the act of March 4, 1923.

On November 21, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$200.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13999. Adulteration of canned tomatoes. U. S. v. 1,248 Cases of Canned Tomatoes. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20534. I. S. No. 5343-x. S. No. E-5524.)**

On October 28, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,248 cases of canned tomatoes, remaining in



the original unbroken packages at Worcester, Mass., alleging that the article had been shipped by Thomas Roberts & Co., Inc., from Thurmont, Md., September 24, 1925, and transported from the State of Maryland into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Thurmont Brand Tomatoes \* \* \* Packed by Thurmont Canning Co. Thurmont, Md."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On December 2, 1925, Max Segal, Worcester, Mass., having appeared as claimant for the property and having filed a satisfactory bond, in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**14000. Misbranding of malt extract and malt and hop extract. U. S. v. Bosch Food Products Co. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 16411. I. S. Nos. 2013-t, 3500-t.)**

On November 10, 1922, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Bosch Food Products Co., a corporation, trading at Peoria, Ill., alleging shipment by said company, in violation of the food and drugs act as amended, on or about May 20, 1920, from the State of Illinois into the State of Wisconsin, of a quantity of malt extract, and on or about August 29, 1921, from the State of Illinois into the State of Missouri, of a quantity of malt and hop extract which were misbranded. The articles were labeled in part: "Bosch Net Weight 3 Lbs. Genuine Malt Extract" (or "Malt Extract And Hop Extract") "Manufactured Exclusively By Bosch Food Products Co. Peoria-Illinois."

Examination by the Bureau of Chemistry of this Department of 12 cans of the malt extract and 4 cans of the malt and hop extract showed an average net weight of 2 pounds 13.6 ounces and 2 pounds 15.2 ounces, respectively.

Misbranding of the articles was alleged in the information for the reason that the statement, to wit, "Net Weight 3 Lbs," borne on the cans containing the said articles, was false and misleading, in that the said statement represented that each of the cans contained 3 pounds net weight of the respective products, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 3 pounds net weight of the respective products, whereas they did not but did contain a less amount. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On October 30, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

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<sup>1</sup> Notices containing decisions of the court or instructions to juries are indicated by asterisks (\*).



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| White & Kleppinger.....                                 | 13024                      |  |
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| strawberry. See Strawberry.                             |                            |  |
| Pineapples, chocolate-covered. See Confectionery.       |                            |  |
| Pistachio nuts. See Nuts.                               |                            |  |
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| Orchard Products Co.....                                | 13811                      |  |
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| Eigelberner Food Products Co.....                       | 13606, 13626               |  |
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| Wheeler-Barnes Co.....                                  | 13085                      |  |
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| Eigelberner Food Products Co.....                       | 13606                      |  |
| Goodwin Preserving Co.....                              | 13200, 13498               |  |
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| Milliken, Tomlinson Co.....                             | 13351                      |  |
| damson:   |                            |  |
| Goodwin Preserving Co.....                              | 13200                      |  |
| loganberry:   |                            |  |
| Eigelberner Food Products Co.....                       | 13606, 13626               |  |
| Wheeler-Barnes Co.....                                  | 13085                      |  |
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| Murphy, George S.....                                   | 13464                      |  |
| peach:  |                            |  |
| Eigelberner Food Products Co.....                       | 13606, 13626               |  |
| Goodwin Preserving Co.....                              | 13200, 13451, 13498        |  |
| Murphy, George S.....                                   | 13464                      |  |
| pineapple:  |                            |  |
| Goodwin Preserving Co.....                              | 13498                      |  |
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| Eigelberner Food Products Co.....                       | 13606, 13626, 13900        |  |
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| Goodwin Preserving Co.....                              | 13200, 13451, 13498        |  |
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Assoc. 13403

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jelly. *See* Jelly.

oil. *See* Extract.

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Rice: American Rice Milling Co. 13770  
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bran. *See* Feed.

Salmon. *See* Fish.

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Cordova Packing Co. 13083  
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mace:

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Strawberries:

Harpole, George 13935

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preserves. *See* Preserves.

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Sugar:

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Townsend, J. G., jr., & Co. 13132

sauce:

Greco Canning Co. 13087, 13170, 13325  
Hershel California Fruit Products Co. 13121, 13177, 13229, 13313, 13422, 13508, 13953  
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Davis Canning Co. 13136, 13189, 13218, 13255, 13424, 13893  
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Lee, C. A. 13484  
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| Shannahan Canning Co.....                 | 13434     | De Luxe Products Co.....                  | 13650        |
| Silver, Wm., & Co.....                    | 13876     | Douglas Packing Co.....                   | 13012,       |
| Thurmont Canning Co.....                  | 13999     | 13020, 13050, 13205, 13217, 13390, 13536, |              |
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## DRUGS

|   |                            |   |              |
|---|----------------------------|---|--------------|
| A .D. S. kidney and bladder pills:      |                            | Dean's female pills:                    |              |
| American Druggists Syndicate..          | 13015, 13241               | Rudy, Martin.....                       | 13692        |
| Acetphenetidin tablets:                 |                            | DeWitt's eclectic cure:                 |              |
| Bowman, Mell & Co.....                  | 13399                      | Parker, W. J., Co.....                  | 13269        |
| Elmira Drug & Chemical Co.....          | 13608                      | liver, blood and kidney remedy:         |              |
| Jopp's Drug Co.....                     | 13411                      | Parker, W. J., Co.....                  | 13269        |
| Acetylsalicylic acid tablets:           |                            | Diabetylin:                             |              |
| Glens Falls Pharmacal Co.....           | 13634                      | Haemozon Products Co.....               | 13962        |
| Jopp's Drug Co.....                     | 13411                      | Diacetylmorphine hydrochloride tablets: |              |
| Allen's lung healer and body builder:   |                            | Beringer, George M.....                 | 13917        |
| Allen, H. J., Co.....                   | 13734                      | Glens Falls Pharmacal Co.....           | 13634        |
| Anodyne tablets:                        |                            | Distemper and cold compound:            |              |
| Elmira Drug & Chemical Co.....          | 13608                      | Avalon Farms Co.....                    | 13728        |
| Aspirin tablets:                        |                            | Eclectic cure:                          |              |
| Crystal Chemical Co.....                | 13981                      | Parker, W. J., Co.....                  | 13269        |
| Astonax:                                |                            | Euca-Mul:                               |              |
| Haemozon Products Co.....               | 13962                      | Binz, Edward G., Co.....                | 13764        |
| Atropine sulphate tablets:              |                            | Female pills:                           |              |
| Beringer, George M.....                 | 13917                      | Rudy, Martin.....                       | 13692        |
| Bowman, Mell & Co.....                  | 13399                      | Foley's kidney pills:                   |              |
| Buffington's Inc.....                   | 13101                      | Foley Co.....                           | 13346, 13694 |
| Gould, George H., & Son.....            | 13607                      | Gary's vegetable ointment:              |              |
| Avalon distemper and cold compound:     |                            | Gary Medicine Co.....                   | 13821        |
| Avalon Farms Co.....                    | 13728                      | Sloan & Spencer Medicine Co.....        | 13080        |
| Belladonna leaves tincture:             |                            | H and H water:                          |              |
| Berthel, C., & Co.....                  | 13396                      | H & H Water Co.....                     | 13223        |
| Bladder pills. <i>See</i> Kidney.       |                            | Haemozon 10A:                           |              |
| Blood remedy. <i>See</i> Liver.         |                            | Haemozon Products Co.....               | 13962        |
| tonic:                                  |                            | Haemozon 10A Effervescent:              |              |
| Lippi, A. F., Laboratories.....         | 13780                      | Haemozon Products Co.....               | 13962        |
| Body builder. <i>See</i> Lung.          |                            | Herbs:                                  |              |
| Bronchini:                              |                            | Sayman, T. M., Products Co.....         | 13098,       |
| Chappelear, W. M., & Sons Co.....       | 13364                      |   | 13191, 13702 |
| Brunswig's compound fluidextract buchu: |                            | Heroin tablets:                         |              |
| Brunswig Drug Co.....                   | 13984                      | Elmira Drug & Chemical Co.....          | 13608        |
| Buchu compound fluidextract:            |                            | Noyes, P. J., Co.....                   | 13550        |
| Brunswig Drug Co.....                   | 13984                      | hydrochloride tablets:                  |              |
| Caffeine tablets:                       |                            | Beringer, George M.....                 | 13917        |
| Beringer, George M.....                 | 13917                      | Buffington's Inc.....                   | 13101        |
| Buffington's Inc.....                   | 13101                      | Jopp's Drug Co.....                     | 13411        |
| Chappelear's Bronchini:                 |                            | Miller, J. Augustus.....                | 13750        |
| Chappelear, W. M., & Sons Co.....       | 13364                      | Rorer, W. H.....                        | 13785        |
| Chloroform:                             |                            | Hesperian tonic:                        |              |
|   | 13204, 13287, 13568, 13671 | Temple of Health Medicine Co.....       | 13994        |
| Cinchona tincture:                      |                            | Hill's kaskara tablets:                 |              |
| Berthel, C., & Co.....                  | 13396                      | Hill, W. H., Co.....                    | 13454        |
| compound tincture:                      |                            | Hog remedy:                             |              |
| Berthel, C., & Co.....                  | 13396                      | National Live Stock Remedy Co.....      | 13172        |
| Codeine phosphate tablets:              |                            | Kaskara tablets:                        |              |
| Tilden Co.....                          | 13323                      | Hill, W. H., Co.....                    | 13454        |
| sulphate tablets:                       |                            | Kidney pills:                           |              |
| Bowman, Mell & Co.....                  | 13399                      | Foley Co.....                           | 13346, 13694 |
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| Elmira Drug & Chemical Co.....          | 13608                      | American Druggists Syndicate....        | 13015, 13241 |
| Gould, George H., & Son.....            | 13607                      | remedy. <i>See</i> Liver.               |              |
| Jopp's Drug Co.....                     | 13411                      | King's formula:                         |              |
| Miller, J. Augustus.....                | 13750                      | King, William C.....                    | 13627        |
| Strassenburgh, R. J., Co.....           | 13890                      | Kolide:                                 |              |
| Studebaker, Latimer H.....              | 13224                      | Kolide Laboratories.....                | 13889        |
| Tilden Co.....                          | 13326                      | Kopp's:                                 |              |
| Webster-Warneck Chemical Co.....        | 13916                      | Kopp's Baby's Friend Co.....            | 13873, 13930 |
| Western Chemical Co.....                | 13321                      | Laxative. <i>See</i> Tonic.             |              |
| Cohosh, blue:                           |                            | Lippi blood purifier tonic:             |              |
| McIlvaine Bros.....                     | 13555                      | Lippi, A. F., Laboratories.....         | 13780        |
| Penick, S. B., & Co.....                | 13381                      | Lithadonin:                             |              |
| Sanborn, E. M., & Sons.....             | 13526                      | American Apothecaries Co.....           | 13869        |
| Colchicum seed tincture:                |                            | Liver, blood and kidney remedy:         |              |
| Berthel, C., & Co.....                  | 13396                      | Parker, W. J., Co.....                  | 13269        |
| Cold compound. <i>See</i> Distemper     |                            | Lung healer and body builder:           |              |
| Cotton root bark:                       |                            | Allen, H. J., Co.....                   | 13734        |
| Penick, S. B., & Co.....                | 13809                      | Lutein tablets:                         |              |
| D-O-D specific:                         |                            | Morgenstern & Co.....                   | 13533        |
| Smith, C. Nelson, Co.....               | 13960                      |   |              |

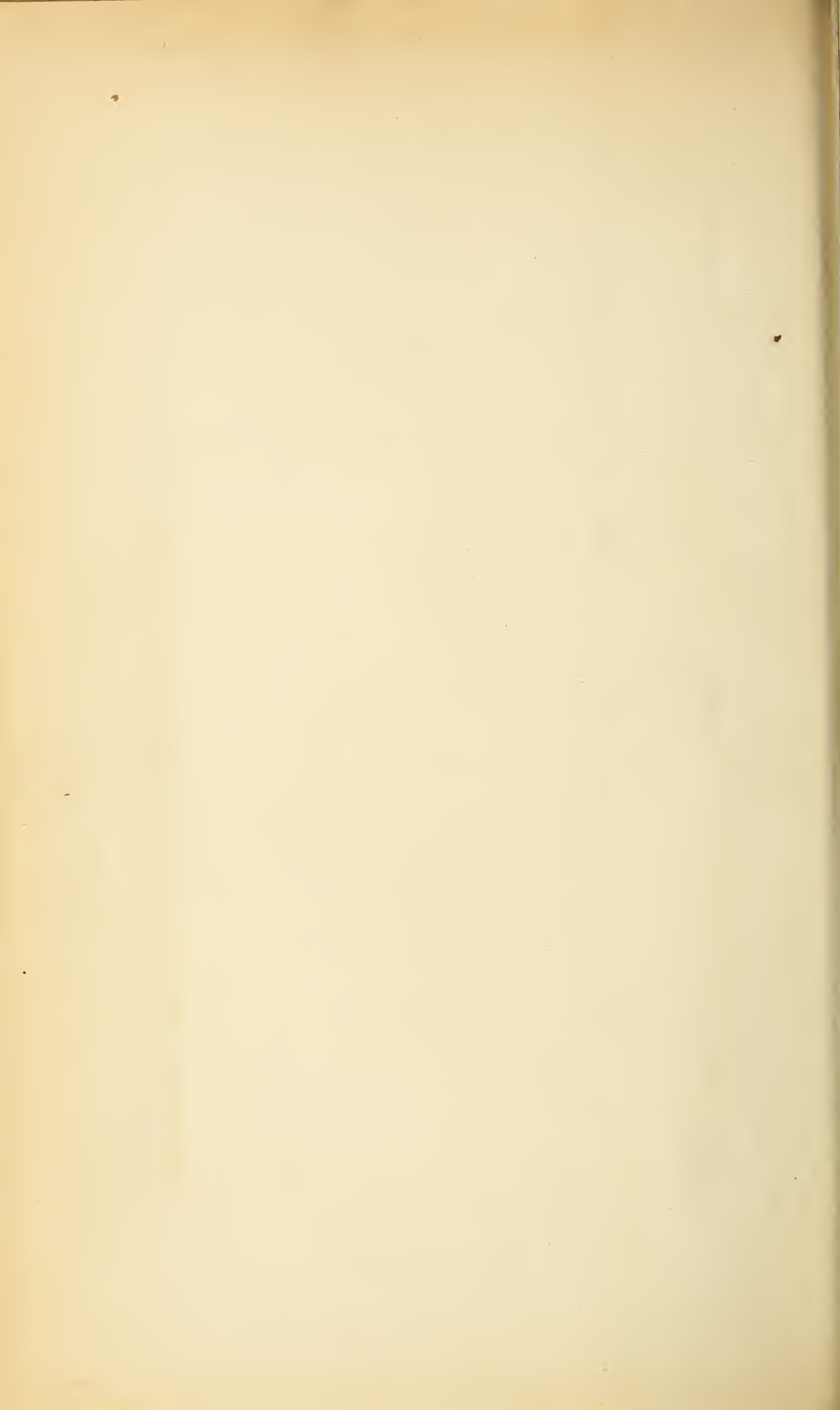
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| Mineral water. <i>See</i> Water.         | N. J. No.              |  |
| Morphine diacetyl tablets:               |                        |  |
| Bowman, Mell & Co.....                   | 13399                  |  |
| sulphate tablets:                        |                        |  |
| Bowman, Mell & Co.....                   | 13399                  |  |
| Buffington's Inc.....                    | 13101                  |  |
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| Gould, George H., & Son.....             | 13607                  |  |
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| Miller, J. Augustus.....                 | 13750                  |  |
| Noyes, P. J., Co.....                    | 13550                  |  |
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| Western Chemical Co.....                 | 13321                  |  |
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| Bowman, Mell & Co.....                   | 13399                  |  |
| Buffington's Inc.....                    | 13101                  |  |
| Burrough Bros. Mfg. Co.....              | 13231                  |  |
| Crystal Chemical Co.....                 | 13981                  |  |
| Elmira Drug & Chemical Co.....           | 13608                  |  |
| Glens Falls Pharmacal Co.....            | 13634                  |  |
| Gould, George H., & Son.....             | 13607                  |  |
| Strasenburgh, R. J., Co.....             | 13890                  |  |
| Nux vomica fluidextract:                 |                        |  |
| Berthel, C., & Co.....                   | 13396                  |  |
| Crystal Chemical Co.....                 | 13981                  |  |
| tincture:                                |                        |  |
| Crystal Chemical Co.....                 | 13981                  |  |
| Ointment, vegetable:                     |                        |  |
| Gary Medicine Co.....                    | 13821                  |  |
| Sloan & Spencer Medicine Co.....         | 13080                  |  |
| Olive oil:                               |                        |  |
| Haber, Isadore.....                      | 13631                  |  |
| Opium tincture:                          |                        |  |
| Rorer, W. H.....                         | 13785                  |  |
| Quinine bisulphate tablets:              |                        |  |
| Berthel, C., & Co.....                   | 13396                  |  |
| sulphate tablets:                        |                        |  |
| Bowman, Mell & Co.....                   | 13399                  |  |
| Buffington's Inc.....                    | 13101                  |  |
| Elmira Drug & Chemical Co.....           | 13608                  |  |
| Jopp's Drug Co.....                      | 13411                  |  |
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| Aschenbach & Miller.....                 | 13317, 13858           |  |
| Powers-Weightman-Rosengarten Co....      | 13859                  |  |
| S. K. remedy:                            |                        |  |
| S. K. Remedy Co.....                     | 13239                  |  |
| Sal-Tonik:                               |                        |  |
| Guarantee Veterinary Co.....             | 13459                  |  |
| Sanger capsules:                         |                        |  |
| Moore, Edward J., Sons.....              | 13552                  |  |
| Sanita:                                  |                        |  |
| Newer Novelties Co.....                  | 13314                  |  |
| Sarsaparilla root:                       |                        |  |
| Penick, S. B., & Co.....                 | 13809                  |  |
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| Sayman, T. M., Products Co.....          | 13098,<br>13191, 13702 |  |
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| Bowman, Mell & Co.....                   | 13399                  |  |
| Gould, George H., & Son.....             | 13607                  |  |
| Webster-Warnock Chemical Co.....         | 13916                  |  |
| sulphate tablets:                        |                        |  |
| Beringer, George M.....                  | 13917                  |  |
| Berthel, C., & Co.....                   | 13396                  |  |
| Crystal Chemical Co.....                 | 13981                  |  |
| Elmira Drug & Chemical Co.....           | 13608                  |  |
| Gould, George H., & Son.....             | 13607                  |  |
| Jopp's Drug Co.....                      | 13411                  |  |
| Strasenburgh, R. J., Co.....             | 13890                  |  |
| Studebaker, Latimer H.....               | 13224                  |  |
| Tilden Co.....                           | 13326                  |  |
| Western Chemical Co.....                 | 13321                  |  |
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| Vita Rica Pharmacal Co.....              | 13625                  |  |
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| Cawthron-Coleman Drug Co.....            | 13630                  |  |
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| Vita Rica tonic pills and laxative:      |                        |  |
| Vita Rica Pharmacal Co.....              | 13625                  |  |
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| Volta Co.....                            | 13971                  |  |
| Wahoo bark:                              |                        |  |
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| Water, mineral:                          |                        |  |
| H & H Water Co.....                      | 13223                  |  |
| Wizard Wells Co.....                     | 13609                  |  |
| Whooping cough remedy:                   |                        |  |
| Aschenbach & Miller.....                 | 13317, 13858           |  |
| Powers-Weightman-Rosengarten Co....      | 13859                  |  |











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